

**114 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP-12215-2021(O&M)
Date of decision: 09.07.2021**

Krishna Devi and another

.....Petitioners

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Rakesh Gupta, Advocate, for the petitioners

Ms. Kanica Sachdeva, AAG, Punjab

Mr. Abhilaksh Gaind, Advocate for NHAI

ANIL KSHETARPAL, J. (ORAL)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Through this writ petition filed under Article 226/227 of the Constitution of India, the petitioners pray for issuance of a writ in the nature of Mandamus to direct respondent no.3 to refer the dispute with regard to apportionment of the compensation for the land and structure acquired, in exercise of the powers under Section 3H of the National Highways Act, 1956, to the Principal Civil Court. They claim that they purchased a plot alongwith shop on an area measuring 1 kanal vide a registered sale deed dated 09.05.2014. The Union of India issued a preliminary notification under Section 3A (1) of the Act on 15.07.2018. They claim that their plot measuring 16 marlas was included in the said notification. They filed their claim on 18.03.2019. The competent authority under the Act announced the award on 13.09.2019. It is further

pleaded that for the structure, the competent authority has assessed the amount payable at Rs.8,64,339/-. The petitioners claim that the aforesaid amount is exclusively liable to be paid to them, however, the competent authority has disbursed some part of the amount to all the co-owners.

The petitioners claim that they have applied to the competent authority for referring the dispute with regard to the apportionment of the compensation to the Principal Civil Court of original jurisdiction of the District. Section 3H of the National Highways Act, 1956, is extracted as under:-

Section 3H in The National Highways Act, 1956-

Deposit and payment of amount.—[\(1\)](#) The amount determined under section 3G shall be deposited by the Central Government in such manner as may be laid down by rules made in this behalf by that Government, with the competent authority before taking possession of the land.

[\(2\)](#) As soon as may be after the amount has been deposited under sub-section (1), the competent authority shall on behalf of the Central Government pay the amount to the person or persons entitled thereto.

[\(3\)](#) Where several persons claim to be interested in the amount deposited under sub-section (1), the competent authority shall determine the persons who in its opinion are entitled to receive the amount payable to each of them.

[\(4\)](#) If any dispute arises as to the apportionment of the amount or any part thereof or to

any person to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the decision of the principal civil court of original jurisdiction within the limits of whose jurisdiction the land is situated.

(5) Where the amount determined under section 3G by the arbitrator is in excess of the amount determined by the competent authority, the arbitrator may award interest at nine per cent. per annum on such excess amount from the date of taking possession under section 3D till the date of the actual deposit thereof.

(6) Where the amount determined by the arbitrator is in excess of the amount determined by the competent authority, the excess amount together with interest, if any, awarded under sub-section (5) shall be deposited by the Central Government in such manner as may be laid down by rules made in this behalf by that Government, with the competent authority and the provisions of sub-sections (2) to (4) shall apply to such deposit.]”

Notice of motion.

At the request of the Court, Ms. Kanica Sachdeva, AAG, Punjab, who is present in the Court, accepts notice on behalf of the State of Punjab.

Mr. Abhilaksh Gaiind, Advocate, enters appearance on behalf of respondent no.2-NHAI

Keeping in view the aforesaid facts, this Bench is of the considered view that this writ petition can be disposed of at this stage

itself. Without commenting upon the merits of the case, the competent authority under the National Highways Act, 1956, is directed to take a final decision on the application dated 23.10.2019 filed by the petitioners for referring the dispute with regard to the apportionment to the Principal Civil court of original jurisdiction in accordance with Section 3 H of the said Act, within one month from today.

With these observations, the writ petition is disposed of.

All the pending miscellaneous applications, if any, also stand disposed of.

09.07.2021
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No