

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

CWP-15562-2021 (O&M)

Date of decision: 13.08.2021

Mehar Ratta and another

...Petitioners

Versus

Union of India and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Karan Gupta, Advocate for the petitioners

Mr. Abhilaksh Gaiind, 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.

The petitioners claim that after the death of their father Late Sh. Gurpreet Singh, they became the owners of the property left by him. They claim that the aforesaid land has been acquired in the exercise of powers under the National Highways Act, 1956, (hereinafter referred to as the '1956 Act') but their share in the compensation has not been disbursed to them whereas the share of their mother as well as of Rupinder Singh, a co-sharer has been paid.

It is apparent from the pleadings of the writ petition that on the request of the petitioners and other owners, the matter is pending before the Arbitrator, appointed under Section 3G of the 1956 Act. The proceedings before the Arbitrator are required to be governed by the Arbitration and Conciliation Act, 1996, as provided under Section 3G(6) of the 1956 Act. The Arbitrator has the power under Section 17 of the Arbitration and Conciliation Act, 1996, for issuing any interim

measures.

Keeping in view the aforesaid facts, the petitioners, if so advised, may file an application before the Arbitrator, for the desired relief. In view thereof, the petitioners are relegated to the remedy before the Arbitrator.

Disposed of.

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

13.08.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE