

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

CWP-17096-2021 (O&M)

Date of decision: 02.09.2021

Harninder Singh

...Petitioner

Versus

Union of India and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Gaurav Sharma, Advocate for the petitioner

ANIL KSHETARPAL, J (Oral)

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

The petitioner prays for a direction to the respondent to not to release the amount of compensation for compulsory acquisition of the land. It is apparent that the alleged property from the joint khata has been compulsorily acquired in exercise of powers under Section 3 of the National Highway Act, 1956. Sub-section 4 of Section 3H provides for a remedy whenever the dispute is with regard to apportionment of the amount of compensation or any part thereof or to any person to whom the same or any part thereof is payable.

Section 3H of the National Highway Act, 1956 is extracted as under:-

Section 3H 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.]”

Keeping in view the aforesaid facts, the petitioner has an equally efficacious remedy before the competent authority. Hence, the petitioner is relegated to the statutory remedy.

Disposed of.

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

02.09.2021

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE