

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

128

CWP-16935-2021 (O&M)

Date of decision: 01.09.2021

ABHEY SINGH

..Petitioner

Versus

STATE OF HARYANA AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep K. Yadav, Advocate for the petitioner.
Mr. Tarun Walia, AAG, Haryana.

ANIL KSHETARPAL, J (Oral)

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

Through this petition, the petitioner prays for issuance of a writ of certiorari to quash the order dated 12.08.2021 passed by the competent authority under the National Highways Act, 1956. As per the petitioner's case, the joint land of the petitioner and respondent No.6 was subject matter of acquisition under the 1956 Act. It is alleged that the petitioner had constructed a house thereon. Respondent No.6 filed an application claiming entitlement to the compensation of the constructed area. The competent authority vide order dated 12.08.2021 has ordered apportionment of the amount of compensation representing construction in equal share.

The petitioner now claims that he had exclusively carried out the aforesaid construction and therefore, he is entitled to the entire amount.

As per Section 3H(4) of the 1956 Act, 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, on the application of the interested person, the competent authority is required to refer the dispute to the decision of the Principal Civil Court of original jurisdiction. On being enquired into, learned counsel representing the petitioner expresses his inability to clarify whether such request has ever been made to the competent authority or not.

Keeping in view the aforesaid facts, the writ petition is disposed of with liberty to the petitioner to file an application under sub section 4 of Section 3H of the 1956 Act to the competent authority, if already not filed. If such application is filed within in a week or if it has been already filed, the competent authority is directed to take the decision on the same in accordance with law within 15 days thereafter.

All the pending miscellaneous application(s), if any, are also disposed of.

01.09.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE