

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

CWP-19644-2021 (O&M)
Date of decision: 29.09.2021

Saroj Devi

...Petitioner

Versus

Union of India and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms.Shaveta Sanghi, Advocate for the petitioner
Mr. Sunil Kumar Sahore, Advocate for UOI

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, the petitioner prays for issuance of an appropriate writ in the nature of Mandamus directing the respondents to re-evaluate the amount assessed for fruit bearing trees allegedly standing on the acquired land. It is not in dispute that the Union of India through the competent authority for land acquisition has announced award no. 59 dated 19.09.2019 with respect to the land and supplementary award for the trees on 02.07.2021. The petitioner claims that evaluation has been wrongly made inasmuch as neither the trees have been properly evaluated nor all the trees have been taken into consideration.

Sub-section 5 of Section 3G enables either all the parties to apply for appointment of the Arbitrator if the amount determined by the competent authority is not acceptable.

Learned counsel representing the petitioner has admitted

that the petitioner has already applied for the same.

However, she states that by the time the Arbitrator is appointed, the trees will be removed by the National Highway Authority of India.

Sub-section 6 of Section 3G provides that the provisions of Arbitration and Conciliation Act, 1996, shall be applicable to the proceedings under the National Highway Authority Act, 1956. The petitioner has a remedy under Section 9 of the Arbitration and Conciliation Act, 1996, before the District Court for an appropriate relief.

In view thereof, the petitioner is relegated to the alternative remedy.

Disposed of.

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

29.09.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE