

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

CWP-21443-2021 (O&M)
Date of decision: 27.10.2021

Joginder Singh and others

....Petitioners

Versus

Union of India and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Abhinav Sood, Advocate for
 Mr. Vikram Singh, Advocate for the petitioners

Mr. Rohit Arya, DAG, Haryana and
Mr. Shivendra Swaroop, AAG, Haryana

ANIL KSHETARPAL, J (Oral)

The petitioners pray for issuance of a writ in the nature of Mandamus to direct respondent no.5 to decide the application dated 21.06.2018 filed under Section 3H (4) of the National Highways Act, 1956. Respondent no.5 is the competent authority for land acquisition under the National Highways Act, 1956. Section 3H (4) of the said Act enjoins upon the competent authority to refer the dispute with regard to the apportionment of the amount or its entitlement to the decision of the Principal Civil Court of Original jurisdiction where the acquired land is situated.

Sh. Shivendra Swaroop, AAG, Haryana and Sh.Rohit Arya, DAG, Haryana, on instructions from Sh. Rajbir Dhiman, DRO, has assured the Court that the competent authority shall refer the matter to the Court within a period of one month from today. He has stated that the amount of compensation in accordance with the revenue record

already stands disbursed to the owners.

Be that as it may. Once an application has been submitted, the competent authority is bound to refer the matter to the court for adjudication. Hence, let the matter be referred to the court.

Disposed of with the aforesaid directions.

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

27.10.2021

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE