

**In the High Court of Punjab and Haryana, at Chandigarh**

**1. Civil Writ Petition No. 1565 of 2022**

Hardeep Singh and Others  
... Petitioner(s)

Versus

Union of India and Others  
... Respondent(s)

**2. Civil Writ Petition No. 1577 of 2022**

Darshan Singh and Others  
... Petitioner(s)

Versus

Union of India and Others  
... Respondent(s)

**3. Civil Writ Petition No. 1585 of 2022**

Kuldeep Singh (Now Deceased) through his LRs and Others  
... Petitioner(s)

Versus

Union of India and Others  
... Respondent(s)

**4. Civil Writ Petition No. 7151 of 2022**

Hazoor Singh and Others  
... Petitioner(s)

Versus

Union of India and Others  
... Respondent(s)

5. Civil Writ Petition No. 7153 of 2022

Bhupinder Singh and Others  
... Petitioner(s)

Versus

Union of India and Others  
... Respondent(s)

6. Civil Writ Petition No. 7179 of 2022

Satwant Kaur and Others  
... Petitioner(s)

Versus

Union of India and Others  
... Respondent(s)

AND

7. Civil Writ Petition No. 7180 of 2022

Rachhpal Singh and Others  
... Petitioner(s)

Versus

Union of India and Others  
... Respondent(s)

DATE OF DECISION: 30.09.2022

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Satbir Rathore, Advocate  
for the petitioner(s).

Mr. Abhilaksh Gaind and Mr. Rakesh Roy, Advocates  
for the respondent No.2-National Highways Authority  
of India.

Mr. Sandeep Chopra, Deputy Advocate General,  
Punjab, for the respondent No.3.

**Anil Kshetarpal, J.**

1. A common issue requires adjudication in these seven connected writ petitions. The point that arises for adjudication is “Whether, after the Arbitrator’s award passed under Section 3G of the National Highways Act, 1956 (hereinafter referred to as “the 1956 Act”) has become final, a landowner can file a writ petition in the year 2022 claiming increase in the amount assessed, on the question of parity?”

2. There are two different notifications by which the land was acquired in these cases. In the first set of acquisition, the notification under Section 3A of the 1956 Act was issued on 24.12.2004 and an award was passed on 08.05.2007. As provided under Section 3G of the 1956 Act, the parties went to the Arbitrator for the final determination. The Arbitrator, vide award dated 28.01.2009, had assessed the rate of the market value of the acquired land along with all the statutory benefits for each of the individual landowner.

3. The petitioners, in the present set of writ petitions, claim that the Arbitrator has erred in assessing the market value of the acquired land with respect to their co-villagers by awarding the different amounts of the market value. In the second set, the landowners claim enhancement on the ground that the Arbitrator, while passing the award, has fixed the higher market value with respect to the comparable locations.

4. Section 3G of the 1956 Act reads as under:-

***“3G. Determination of amount payable as compensation.—***

*(1) Where any land is acquired under this Act, there shall be paid an amount which shall be determined by an order of the*

*competent authority.*

*(2) Where the right of user or any right in the nature of an easement on, any land is acquired under this Act, there shall be paid an amount to the owner and any other person whose right of enjoyment in that land has been affected in any manner whatsoever by reason of such acquisition an amount calculated at ten per cent, of the amount determined under sub-section (1), for that land.*

*(3) Before proceeding to determine the amount under sub-section (1) or sub-section (2), the competent authority shall give a public notice published in two local newspapers, one of which will be in a vernacular language inviting claims from all persons interested in the land to be acquired.*

*(4) Such notice shall state the particulars of the land and shall require all persons interested in such land to appear in person or by an agent or by a legal practitioner referred to in sub-section (2) of section 3C, before the competent authority, at a time and place and to state the nature of their respective interest in such land.*

*(5) If the amount determined by the competent authority under sub-section (1) or sub-section (2) is not acceptable to either of the parties, the amount shall, on an application by either of the parties, be determined by the arbitrator to be appointed by the Central Government.*

*(6) Subject to the provisions of this Act, the provisions of the*

*Arbitration and Conciliation Act, 1996 (26 of 1996) shall apply to every arbitration under this Act.*

*(7) The competent authority or the arbitrator while determining the amount under sub-section (1) or sub-section (5), as the case may be, shall take into consideration—*

*(a) the market value of the land on the date of publication of the notification under section 3A;*

*(b) the damage, if any, sustained by the person interested at the time of taking possession of the land, by reason of the severing of such land from other land;*

*(c) the damage, if any, sustained by the person interested at the time of taking possession of the land, by reason of the acquisition injuriously affecting his other immovable property in any manner, or his earnings;*

*(d) if, in consequences of the acquisition of the land, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change.”*

5. It is evident that the objections to the award passed by the Arbitrator are maintainable under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as “the 1996 Act”). The petitioners did not avail the remedy under Section 34 of the 1996 Act. The award passed by the Arbitrator has become final between the parties.

Moreover, while assessing the market value, the Arbitrator or the Court is

The Arbitrator or the Court never grants any declaration that a particular price exists in a particular village or area. The market value of the acquired land depends upon its potential, geographical location, development in the area and the various other factors. The determination of the market value can never be expected to be uniform particularly when a narrow strip of the land has been acquired for the construction of highways. Now, in exercise of writ jurisdiction, the High Court is not expected to create another remedy which is not provided in the Statute. The National Highways Act, 1956, is a complete code in itself. Hence, there is no scope of creating an additional remedy by entertaining the writ petitions.

6. Keeping in view the aforesaid facts, all the writ petitions are dismissed.

**(Anil Kshetarpal)  
Judge**

**September 30, 2022**  
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No