

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

122

CWP-3481-2022

Date of Order: 25.02.2022

DHARMO DEVI AND ORS

..Petitioners

Versus

UNION OF INDIA AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Dhivya Jerath, Advocate
for the petitioners.

Mr. Abhilaksh Gaiind, Advocate
and Mr. Rakesh Roy, Advocate
for NHAI.

ANIL KSHETARPAL, J(Oral)

The petitioners pray for issuance of a writ in the nature of certiorari to quash the award passed by the arbitrator on 15.10.2009. The arbitrator was appointed under the National Highways Act, 1956. In substance, the petitioners claim that they are entitled to the same amount of compensation as assessed by the arbitrator in the cases of various other owners. Admittedly, the petitioners have not filed a petition under Section 34 of the Arbitration and Conciliation Act, 1996. Moreover, the writ petition suffers from unexplained delay and latches for a period of more than 12 years. Even, first appeal filed at the behest of various other owners was decided on 10.02.2016. The decision of the aforesaid appeal is not relevant to the decision of the present case.

Furthermore, the arbitration while assessing the amount of market value/compensation for acquisition of the land is required to adjudicate on the basis of the geographical location of the acquired land, the quality and nature of the land as also the evidence produced. The petitioners cannot claim to be entitled to the same amount of compensation only

because the acquisition was made through a common notification. The assessment of the compensation is directly dependant on the nature of the evidence produced in each case.

In the considered opinion of the Court, it would not be appropriate to exercise writ jurisdiction in the facts of the present case.

With these observations, the present writ petition is disposed of.

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

February 25th, 2022

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No