

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.4548 of 2022 (O&M)

Date of decision:08.03.2022

Amrik Singh

...Petitioner

Versus

National Highway Authority of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Bhawesh Chaudhary, Advocate,
for the petitioner.

ANIL KSHETARPAL, J (Oral)

The petitioner prays for issuance of a writ in the nature of mandamus to prohibit respondent no.1 and 2 from disbursing the amount of compensation qua joint property which has been compulsory acquired. He claims to be an exclusive owner in possession of the acquired land. He claims that he is entitled to receive compensation to the exclusion of various other co-owners. They have not been impleaded as party-respondents.

On a court question, as to whether the petitioner has filed an application under sub-section 4 of Section 3H of the National Highways Act, 1956, the learned counsel representing the petitioner has failed to furnish any satisfactory explanation. Section 3H of the National Highway Act, 1956 reads as under:-

3H. Deposit and payment of amount.—

(1) The amount determined under section 3G shall be deposited by the Central Government in such manner as may be laid down by rules made in this behalf by that Government, with the competent authority before taking

possession of the land.

(2) As soon as may be after the amount has been deposited under sub-section(1), the competent authority shall on behalf of the Central Government pay the amount to the person or persons entitled thereto.

(3) Where several persons claim to be interested in the amount deposited under sub-section (1), the competent authority shall determine the persons who in its opinion are entitled to receive the amount payable to each of them.

(4) 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, the competent authority shall refer the dispute to the decision of the principal civil court of original jurisdiction within the limits of whose jurisdiction the land is situated.

(5) Where the amount determined under section 3G by the arbitrator is in excess of the amount determined by the competent authority, the arbitrator may award interest at nine per cent, per annum on such excess amount from the date of taking possession under section 3D till the date of the actual deposit thereof.

(6) Where the amount determined by the arbitrator is in excess of the amount determined by the competent authority, the excess amount together with interest, if any, awarded under sub-section(5) shall be deposited by the Central Government in such manner as may be laid down by rules made in this behalf by that Government, with the competent authority and the provisions of sub-sections(2) to (4) shall apply to such deposit.”

It is evident from the reading of sub-Section 4 of Section 3H of the National Highways Act, 1956, that any person who claims apportionment or entitlement in the amount for compensation is entitled to file an application before the competent authority with a request to refer the dispute to the principal civil court of original jurisdiction within the limits of whose jurisdiction the land is situated.

Thus, the petitioner has an effective statutory alternative remedy.

In view of the above, the writ petition is disposed of by relegating the petitioner to the alternative remedy.

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

March 08, 2022
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(ANIL KSHETARPAL)
JUDGE

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