

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 7220 of 2022

Date of Decision: 06.04.2022

Vijay Kumar and Others

... Petitioner(s)

Versus

National Highway Authority of India and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Bhim Singh, Advocate
for the petitioner(s).

Mr. Harsh Vardhan, Assistant Advocate General,
Haryana, for the respondent No.3.

Anil Kshetarpal, J.

1. The petitioners pray for issuance of a writ in the nature of mandamus to pay interest in accordance with Section 80 of the The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The petitioners' land was acquired in exercise of powers under the National Highways Act, 1956 (hereinafter referred to as "the 1956 Act"). They complain that the payment was released after a considerable delay of more than 2½ years from the date of passing of the award.

2. Notice of motion.

3. On the request of the Court, Mr. Harsh Vardhan, Assistant Advocate General, Haryana, accepts notice on behalf of the respondent No.3 (Sub Divisional Magistrate-cum-Competent Authority (Land Acquisition)).

Magistrate-cum-Competent Authority (Land Acquisition), Gurugram North, informs the Court that the competent authority has already requested the National Highways Authority of India to pay the amount.

4. The learned counsel representing the petitioners admits that the matter is already pending before the Arbitrator in terms of Section 3-G(5) of the National Highways Act, 1956 (hereinafter referred to as “the 1956 Act”). He is a statutory Arbitrator appointed for assessing the market value of the acquired land. While assessing the market value, the Arbitrator is also required to ensure that the landowners are paid in accordance with the provisions of the 1956 Act.

5. Keeping in view the aforesaid facts, the present writ petition is disposed of with the observations that if the National Highways Authority deposits the amount, the same shall be released forthwith to the petitioners. However, if the National Highways Authority does not deposit the amount, the petitioners shall be entitled to file a supplementary application before the statutory Arbitrator, who will then proceed to decide the matter.

(Anil Kshetarpal)
Judge

April 06, 2022

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No