

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.9008 of 2022
Date of Order: 02.05.2022

Surjit Singh and another

..Petitioners

Versus

Union of India and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajinder Kumar Singla, Advocate
for the petitioners.

ANIL KSHETARPAL, J(Oral)

The petitioners pray for issuance of a writ in the nature of mandamus to direct the respondents to pay compensation to the petitioners after recovering it from respondent no.8 and 9.

The petitioners claim that as per the revenue record, the petitioners and respondent no.8 and 9 are co-sharers, therefore, the petitioners are entitled to the rateable distribution.

As per Section 3H(4) of the National Highway Act, 1956, the dispute with regard to apportionment or the person to whom it is payable is required to be referred to the Principal Civil court of original jurisdiction for adjudication. Section 3H(4) is extracted as under:-

“3H. Deposit and payment of amount.—

- | | | | |
|-----|----|----|----|
| (1) | XX | XX | XX |
| (2) | XX | XX | XX |
| (3) | XX | XX | XX |

(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.”

In substance, the petitioners pray for recovery of the amount from respondent no.8 and 9 and thereafter, pay to the petitioners. Such dispute, in the considered view of the Court, is required to be adjudicated by the Civil Court on an application which may be filed by the person aggrieved before the competent authority for referring the matter to the Principal Civil Court.

The learned counsel representing the petitioners contends that respondent no.8 and 9 did not file an application for referring the matter to arbitration. He admits that the Arbitrator has not adjudicated upon inter-se dispute between the petitioners as well as respondent no.8 and 9.

Such being the position, the petitioners have an efficacious statutory alternative remedy.

Hence, the petitioners are relegated to the alternative remedy.

Disposed of accordingly.

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

May 02, 2022
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(ANIL KSHETARPAL)
JUDGE

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