

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

CWP-9754-2022 (O&M)

Date of decision: 09.05.2022

Dhanno

...Petitioner

Versus

National Highways Authority of India and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.S.Gill, Advocate for the petitioner

ANIL KSHETARPAL, J (Oral)

The dispute is with regard to the apportionment of the compensation for compulsory acquisition of the land under the National Highways Act, 1956 (hereinafter referred to as 'the 1956 Act'). The competent authority for land acquisition nominated under the 1956 Act has ordered payment of the compensation as per the revenue record. The petitioner claiming to be a co-sharer prays for its apportionment. Section 3H of the 1956 Act reads as under:-

“Section 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 that any interested person is entitled to file an application under sub-section 4 of Section 3H with a request to the competent authority to refer the matter to the Principal Civil Court of the area.

Keeping in view the aforesaid facts, the petitioner, if so advised, may file an application under sub-section 4 of Section 3H of the 1956 Act.

Disposed of.

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

09.05.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE