

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

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**CWP-10477-2022
Date of Order: 17.05.2022**

AXIS BANK LTD

..Petitioner

Versus

UNION OF INDIA AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Deepak Jain, Advocate
for the petitioner.

Mr. Harsh Vardhan, AAG, Haryana.

ANIL KSHETARPAL, J(Oral)

The petitioner-Bank claims that it has a preferential right to the compensation for acquisition of the land. The acquisition is being made under the National Highways Act, 1956. The petitioner claims that the aforesaid property was mortgaged with the Bank against the extending credit facility to the owners.

Section 3H of the National Highways Act, 1956, enables any person to apply to the competent authority for such determination. If the interested person is not satisfied with the decision of the competent authority then he has a remedy to file an application under Section 3H(4) for requesting the competent authority to refer the dispute to the decision of the Principal Civil Court of original jurisdiction within the limits of whose jurisdiction the land is situated.

Section 3H is extracted 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 subsections (2) to (4) shall apply to such deposit. ”

Thus, the statute has prescribed a procedure for claiming the amount of compensation or any share therein.

Keeping in view the aforesaid facts, the petitioner is relegated to the remedy under Section 3H. However, if an application is filed, the competent authority shall decide the same positively within a period of 2 months, from today.

Disposed of.

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

May 17th, 2022

(ANIL KSHETARPAL)
JUDGE

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No