

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

CWP-12735-2022 (O&M)

Date of decision: 02.06.2022

Smt. Bimla

....Petitioner

Versus

Deputy Commissioner, Jind and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. V.K.Jindal, Sr. Advocate with
Mr. Akshay Jindal, Advocate for the petitioner
Mr. Harsh Vardhan, AAG, Haryana

ANIL KSHETARPAL, J (Oral)

Through this writ petition, the petitioner prays for the following substantive reliefs:-

i. Issue a writ in the nature of Mandamus directing the respondent No.1 - Deputy Commissioner- cum-Arbitrator to decide the case No.22/ARB/2019 dated 20.12.2019 (Annexure P-3) filed the petitioner under section 3 - G (5) of The National Highway Act, 1956, in a time bound manner preferably within a period of three months.

ii. Issue a writ in the nature of Mandamus directing the respondent No.3 to pass a supplementary award regarding the 'Gair Mumkin' land and also regarding the land situated within two acres of the road in terms of the rates declared vide order dated 05.11.2018 (Annexure P-2)."

It is undisputed that the matter with regard to the assessment of the compensation, for compulsory acquisition of the land, under the National Highways Act, 1956, is pending with the Deputy Commissioner-cum-Arbitrator, Jind. It has been pointed out that the matter is pending for 3 years and 6 months approximately. The Arbitrators are required to assess the market value of the acquired land/

property in order to make the payment to the land owners, who have lost their property due to compulsory acquisition. The Arbitrators are required to be considerate while deciding such matters.

Sh. Harsh Vardhan, learned State counsel on instructions from Sh. Vikram, Reader, Deputy Commissioner-cum-Arbitrator, Jind, submits that the Arbitrator will decide the matter within a period of next 4 months.

Learned counsel representing the petitioner contends that with regard to the Gair Mumkin land, the competent authority nominated under the National Highways Act, 1956, has not passed the supplementary award. As the matter is pending before the Arbitrator for assessment of the compensation, let this matter be also considered by the Arbitrator. The Arbitrator has been appointed as per the mandate in the statute. In other words, Arbitrator is a statutory Arbitrator, appointed under the National Highways Act, 1956. The land owners have no option but have to get the matter adjudicated from the Arbitrator. In such circumstances, the petitioner shall be entitled to make a claim with respect to the grant of relief No.2 before the Arbitrator.

Disposed of.

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

02.06.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE