

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 15406 of 2022

Date of Decision: 19.07.2022

Nirbhai Singh Dhillon and Another

... Petitioner(s)

Versus

Union of India and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Gagan Oberoi, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

1. The petitioners pray for issuance of a writ of certiorari to quash the award dated 29.09.2015 and the order dated 24.05.2022 which, in fact, is only a communication written by the competent authority disclosing that the payment has already been made to the various co-owners. It is alleged that the petitioners and the private respondents are recorded to be the co-owners in the joint khewat. Some part of the land comprised in the aforesaid khewat has been acquired by the National Highways Authorities of India (NHAI) in exercise of its powers under the National Highways Act, 1956, in order to construct the national highways.

2. The dispute is between the various alleged co-owners with respect to the entitlement of the compensation. The petitioners have already filed two different suits in the Civil Court. In the first suit, they pray for decree of permanent injunction restraining the defendants or their agents or servants or attorneys from withdrawing the amount deposited with the

competent authority. They also pray that they are the exclusive owners of the property which has been the subject matter of the acquisition. Another suit has been filed by the petitioners with a prayer to partition the land. In substance, the petitioners pray for direction to the competent authority for Land Acquisition Collector-cum-Sub Divisional Magistrate to refer the matter to the Civil Court in terms of Section 3H(4) of the 1956 Act. On reference, the Court will decide as to whether there is a partition between the various co-owners before the acquisition of the property or not. Such matter is already pending in the Civil Court. There is no reason to multiply the litigation.

3. In view of the aforesaid facts, the present writ petition is dismissed.

(Anil Kshetarpal)
Judge

July 19, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No