

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

CWP-19940-2022 (O&M)

Date of decision: 05.09.2022

Tarsem Lal @ Tarsem Chand

....Petitioner

Versus

Union of India and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.V.S.Chugh, Advocate for the petitioner

ANIL KSHETARPAL, J (Oral)

The petitioner prays for issuance of a writ in the nature of Certiorari to quash the impugned action of respondent no.2 while releasing the entire amount to respondent no.3.

On compulsory acquisition of the property under the National Highways Act, 1956, the amount of compensation is payable to the owners who stand deprived of the property. There is dispute with regard to entitlement as well as apportionment of the compensation. Section 3H of the National Highways Act, 1956 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 sub-section 4 of the Section 3H enables any interested person to file an application for referring the matter to the civil court. Hence, the petitioner has an alternative statutory remedy. Accordingly, the present petition is disposed of by relegating the petitioner to same.

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

05.09.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE