

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

TA No.1059 of 2022 (O&M)
Date of decision: 09.09.2022

Amritpal Singh

....Petitioner

Versus

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.S. Virk, Advocate
for the petitioner.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for transfer of the objection petitions filed under Section 34 of the Arbitration and Conciliation Act, pending in the Additional District & Sessions Judge, Patiala to the competent Court of jurisdiction at Ludhiana.

Counsel for the petitioner has argued that the area/property involved in this case is identical and the land in dispute in the present case is also part of the same litigation and is situated at Ludhiana.

Counsel for the petitioner has argued that petitions filed by other claimants/landowners stand allowed vide order dated 14.10.2021 passed in TA-191-2021 and other connected cases, by making the following observations: -

“...Keeping in view the aforesaid facts, it is considered appropriate to transfer the objections to the Court of competent jurisdiction in the district in which the acquired land is located. This order has been passed keeping in view the fact that the owners who stand deprived of their land will get a sufficient opportunity for proper adjudication of their claims with regard to appropriate

compensation.

While passing this order, this Court has not adjudicated upon the territorial jurisdiction of any particular Court to entertain the objection petition. It is expected that the transferee Court shall take a holistic view of the matter keeping in view the controversy involved. These proceedings are being transferred in order to enable the Court to do substantive justice...”

In the aforesaid order, it is held by this Court that as per policy dated 11.10.2021, issued by the National Highway Authority of India, the petitions will be transferred to the Court within the jurisdiction, where the land is situated.

After hearing the counsel for the petitioner, considering the fact that issuance of notice to the respondent has the consequences of staying further proceedings before the trial Court and in view of the order dated 14.10.2021 passed in TA No.191 of 2021, this Court deem it appropriate to allow the present petition, subject to the following conditions:-

- 1. The objection petitions filed under Section 34 of the Arbitration and Conciliation Act, pending before the Additional District & Sessions Judge, Patiala will be transferred to the competent Court of jurisdiction at Ludhiana.*
- 2. The District Judge, Ludhiana, will assign the said objection petitions to the competent Court of jurisdiction.*
- 3. The Additional District & Sessions Judge, Patiala is directed to transfer all the record pertaining to the aforesaid case to District Judge, Ludhiana.*

4. *The parties are directed to appear before the trial Court, Ludhiana, within a period of 01 month from today.*
5. *The Court concerned, where the litigation pending between the parties, will accommodate them with one date in one calendar month.*

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

09.09.2022

yakub

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No