

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

153

CWP-25852-2022
Date of decision: 14.11.2022

SURAT SINGH @ SURTA SINGH

..Petitioner

Versus

UNION OF INDIA AND ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. A.K. Walia, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

The petitioner claiming to be a co-sharer in the exclusive possession of a joint property which has been partly acquired, prays for issuance of a writ in the nature of certiorari to quash order dated 24.05.2019, (Annexure P-7) passed by the competent authority for the land acquisition nominated under the National Highways Act, 1956 (hereinafter referred to as 'the 1956 Act'). Admittedly, on the day the preliminary notification under Section 3(A) of the 1956 Act was issued, the status of the various owners was of a co-owner including the petitioner. The petitioner relies upon a subsequent instrument of the partition issued on 18.03.2021.

The learned counsel representing the petitioner admits that the compensation is payable as on the date of the preliminary notification i.e. 27.07.2018. The competent authority has only referred the matter to the Principal Civil Court in terms of Section 3(H)(4) of the 1956 Act.

In such circumstances, the petitioner, if, so advised may contest the matter before the Civil Court.

With all these observations, the present petition is disposed of.

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

November 14th, 2022

(ANIL KSHETARPAL)
JUDGE

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Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*