

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 25487 of 2022

Date of Decision: 09.11.2022

Sanjeev Arora and Others

... Petitioner(s)

Versus

Union of India and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Prateek Sodhi, Advocate
for the petitioner(s).

Mr. Sandeep Chopra, Deputy Advocate General,
Punjab, for the respondent No.3.

Anil Kshetarpal, J.

1. The petitioners are recorded to be the co-sharers along with the various other persons shown in the revenue record. On account of the acquisition of the land by the Union of India, in exercise of powers under the National Highways Act, 1956 (hereinafter referred to as “the 1956 Act”), the amount of compensation with regard to the land has been deposited in the names of various co-sharers. The petitioners claim to be the exclusive owners of the acquired property on the ground that there was a mutual partition.

2. The learned counsel representing the petitioners, after arguing for some time, prays for permission to withdraw the writ petition in order to file an application under section 3H of the 1956 Act, which is extracted as under:-

(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”.

3. It is evident that the competent authority can proceed to decide the matter but 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 is required to refer the dispute to the decision of the Principal Civil Court of original jurisdiction within the limits of whose jurisdiction the land is situated.

4. Keeping in view the aforesaid facts, if the petitioners file an application under Section 3H(4) of the 1956 Act, the competent authority shall refer the matter to the competent Court of jurisdiction.

5. With the observations made above, this writ petition is dismissed as withdrawn.

(Anil Kshetarpal)
Judge

November 09, 2022
“DK”

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No