

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

**CWP-3558-2023**

**Date of Decision: July 07, 2023**

**GHANSHYAM AND ANOTHER**

.....petitioners

Versus

**DEPUTY COMMISSIONER AND ANR.**

.....Respondents

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Lalit Pardhan, Advocate for petitioner.

Mr. Abhinash Jain, DAG, Haryana.

Mr. Abhilaksh Gain, Advocate for NHAI.

**HARKESH MANUJA, J. (ORAL)**

1. By way of present petition, prayer has been made for issuance of directions to respondent No.1(Deputy Commissioner-cum-Arbitrator) to expeditiously decide reference petition No. LAC-227-2011 dated 26.05.2011 titled as “**Jagdev & Ors. Vs. Union of India & Ors**” and LAC-462-2013 titled as “**Jagdev & Ors. Vs. Union of India & Ors**”.

2. In the present case, land owned by petitioners situated in Village Dohki, Tehsil and District Rewari was acquired vide notification dated 28.09.2010 issued under Section 3A of the National Highways Act, 1956 (hereinafter referred to as 1956 Act) followed by an award passed under Section 3E thereof on 21.04.2011. Being dissatisfied, the petitioners invoked reference under Section 3G(5) of 1956 Act bearing Nos. LAC-227-2011 and LAC-462-2013.

3. A short grievance of the petitioners at this stage is that the aforementioned two reference petitions have not been adjudicated upon finally by respondent No.1 even after the expiry of more than 10 years

of filing. In response thereto, a status report by way of affidavit dated 04/05.05.2023 has been filed by respondent No.1 wherein the following stand has been taken:-

“4. That earlier, the Additional Deputy Commissioner, Rewari was appointed as Arbitrator under Section 3(G) of National Highway Act, 1956. Thereafter vide notification No.S.O. 2374(E) dated 05.07.2019 the Divisional Commissioner, Gurugram was appointed as Arbitrator to decide the reference petition mentioned above for the revenue estate of Rewari. After that vide notification no. S.O. 4231(E) dated 21.11.2019, the Deputy Commissioner, Rewari was appointed as the Arbitrator in place of Divisional Commissioner. The copies of the notification dated 05.11.2019 and 21.11.2019 are attached herewith as Annexure R-1/B and R-1/C.”

3. In view of the aforesaid, stand taken by respondents, the present writ petition is disposed of with a direction to respondent No.1 to decide the reference petitions filed at the instance of petitioners in a time-bound manner, preferably within a period of six months from today.

4. Disposed of in the aforesaid terms.

07.07.2023  
tejwinder

( HARKESH MANUJA )  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |

