

CWP-19375-2023

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

**CWP-19375-2023
Decided on:-22.11.2023**

Ajaib Singh and others

....Petitioners..

vs.

Union of India and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Naresh Kaushal, Advocate and
Mr. Raj Kumar Rathore, Advocate,
for the petitioners.

Mr. Chetan Mittal, Senior Advocate with
Mr. Vikas Chatrath, Advocate and
Mr. Mayank Aggarwal, Advocate,
for respondents No.1 and 2.

Mr. Navneet Singh, Sr. DAG, Punjab,
for respondents No.3 and 4.

HARKESH MANUJA J. (Oral)

1. By way of present writ petition, challenge has been laid to an order/award dated 31.07.2023 (Annexure P-3) passed by respondent No.4 while acting as an Arbitrator, appointed under Section 3G(5) of National Highway Act, 1956 (herein-after referred to as “1956 Act”).

2. Briefly stating, certain land owned by the petitioners, falling within the revenue estate of Village Tepla, Tehsil Rajpura, District Patiala, came to be acquired vide notifications dated 08.12.2020 and 25.02.2021, issued under Sections 3(A) and 3(D), respectively of the 1956 Act, followed

by an award dated 01.07.2021 passed by respondent No.2 in exercise of powers under Section 3(G) thereof and the compensation @ Rs.39,02,496/- per acre besides other statutory benefits was awarded in favour of the landowners.

3. Aggrieved of the award dated 01.07.2021, respondents No.1 and 2 invoked Section 3-G (5) of the 1956 Act, raising objections qua the determination made by respondent-competent authority. The aforementioned petition came to be decided by respondent No.4 vide its award dated 31.07.2023, while reassessing/redetermining the amount of compensation @ Rs.19,14,816/- per acre. By way of present writ petition, the aforementioned award dated 31.07.2023, has been assailed.

4. Learned counsel for the petitioners-landowners submits that the award dated 31.07.2023 passed by respondent No.4 was in violation of principles of natural justice. He points out that once the land of the petitioners was acquired, their rights were going to be affected, causing prejudice to them, respondent No.4 was required to afford an adequate opportunity to them to participate in the arbitration proceedings initiated at the instance of respondent No.2, before passing the award and in the absence thereof, the same was liable to be set-aside.

5. On the other hand, learned Senior counsel representing respondents No.1 and 2 very fairly submits that before passing the award, an opportunity of hearing should have been afforded to the petitioners-landowners by respondent No.4.

6. I have heard learned counsels for the parties and gone through the paper book.

7. In the present facts and circumstances of the case, respondent No.4 while passing the award dated 31.07.2023, failed to afford any opportunity of hearing to the petitioners-landowners and reduced the compensation on a petition filed at the instance of respondents No.1 and 2 having invoked Section 3-G(5) of the 1956 Act.

Once, the quantum of compensation made by respondent No.3 in favour of the petitioners-landowners vide award dated 01.07.2021, was assailed at the instance of respondents No.1 and 2 i.e. the beneficiaries, the petitioners-landowners were required to be at least impleaded as party in the arbitration proceedings, thereby granting them sufficient opportunity to support the award dated 01.07.2021 passed by respondent No.3 in their favour. In the absence of compliance of fundamental principles of natural justice, the impugned award dated 31.07.2023 passed by respondent No.4 having substantially affected the rights of the petitioners-landowners at their back, is hereby set-aside and the matter is referred back to respondent No.4 for fresh adjudication of the petition filed at the instance of respondents No.1 and 2, invoking Section 3-G(5) of the 1956 Act, after issuing notice to all the concerned landowners including the petitioners, whose land stands acquired in pursuance to the award dated 01.07.2021. Accordingly, the petition stands allowed.

8. Considering the fact that the acquisition proceedings in the present case commenced in the year 2020, the Arbitrator-respondent No.4 is requested to conclude the proceedings within a period of 6 months from the date of receipt of copy of this order, subject to adjudication of all the legal

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arbitration proceedings invoked at the instance of respondents No.1 and 2.

8. Pending application, if any, stands disposed of.

22.11.2023

(HARKESH MANUJA)
JUDGE

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