

CR-7608-2023 (O&M);
CR-7610-2023 (O&M);
CR-7611-2023 (O&M);
CR-7614-2023 (O&M);
CR-7615-2023 (O&M);
CR-7616-2023 (O&M);
CR-7617-2023 (O&M);
CR-7618-2023 (O&M);
CR-7619-2023 (O&M);
CR-7743-2023 (O&M);
CR-54-2024 (O&M); and
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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(1) CR-7608-2023 (O&M)

National Highways Authority of India

...Petitioner

Versus

Jarnail Singh and others

...Respondents

(2) CR-7610-2023 (O&M)

National Highways Authority of India

...Petitioner

Versus

Fateh Singh and others

...Respondents

(3) CR-7611-2023 (O&M)

National Highways Authority of India

...Petitioner

Versus

Gurmail Kaur and others

...Respondents

(4) CR-7614-2023 (O&M)

CR-7608-2023 (O&M);
CR-7610-2023 (O&M);
CR-7611-2023 (O&M);
CR-7614-2023 (O&M);
CR-7615-2023 (O&M);
CR-7616-2023 (O&M);
CR-7617-2023 (O&M);
CR-7618-2023 (O&M);
CR-7619-2023 (O&M);
CR-7743-2023 (O&M);
CR-54-2024 (O&M); and
CR-1468-2024

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National Highways Authority of India

...Petitioner

Versus

Inderjit Sharma and others

...Respondents

(5) CR-7615-2023 (O&M)

National Highways Authority of India

...Petitioner

Versus

Karam Singh and others

...Respondents

(6) CR-7616-2023 (O&M)

National Highways Authority of India

...Petitioner

Versus

Narang Singh and others

...Respondents

(7) CR-7617-2023 (O&M)

National Highways Authority of India

...Petitioner

Versus

Balwinder Kaur and others

...Respondents

CR-7608-2023 (O&M);
CR-7610-2023 (O&M);
CR-7611-2023 (O&M);
CR-7614-2023 (O&M);
CR-7615-2023 (O&M);
CR-7616-2023 (O&M);
CR-7617-2023 (O&M);
CR-7618-2023 (O&M);
CR-7619-2023 (O&M);
CR-7743-2023 (O&M);
CR-54-2024 (O&M); and
CR-1468-2024

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(8) CR-7618-2023 (O&M)

National Highways Authority of India

...Petitioner

Versus

Gurbachan Singh and others

...Respondents

(9) CR-7619-2023 (O&M)

National Highways Authority of India

...Petitioner

Versus

Sukhwinder Singh and others

...Respondents

(10) CR-7743-2023 (O&M)

National Highways Authority of India

...Petitioner

Versus

Nihal Singh (since deceased through LRs) and others

...Respondents

(11) CR-54-2024 (O&M)

National Highways Authority of India

...Petitioner

Versus

CR-7608-2023 (O&M);
CR-7610-2023 (O&M);
CR-7611-2023 (O&M);
CR-7614-2023 (O&M);
CR-7615-2023 (O&M);
CR-7616-2023 (O&M);
CR-7617-2023 (O&M);
CR-7618-2023 (O&M);
CR-7619-2023 (O&M);
CR-7743-2023 (O&M);
CR-54-2024 (O&M); and
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Karnail Singh and others

...Respondents

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CR-1468-2024

Maha Singh (since deceased) through his legal representative

...Petitioner

Versus

National Highways Authority of India and others

...Respondents

Date of decision:-09.04.2024

CORAM: HON'BLE MR.JUSTICE SUVIR SEHGAL

Present: Mr.K.P. Singh, Advocate for
Mr.K.S. Kang, Advocate
for the petitioner (s) in all cases except
CR-1468-2024 and
for respondent No.1 in CR-1468-2024.

Mr.Ranjit Saini, Advocate &
Mr.Nitin Mehta, Advocate
for the petitioner in CR-1468-2024 and
for respondent No.1 – landowner(s) in remaining cases.

SUVIR SEHGAL, J.(ORAL)

1. This order shall dispose of all the above-noted petitions as they involve common questions of law and fact. For the sake of convenience, factual position is being taken from **CR-7608-2023**.

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CR-7610-2023 (O&M);
CR-7611-2023 (O&M);
CR-7614-2023 (O&M);
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CR-7616-2023 (O&M);
CR-7617-2023 (O&M);
CR-7618-2023 (O&M);
CR-7619-2023 (O&M);
CR-7743-2023 (O&M);
CR-54-2024 (O&M); and
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2. Instant petition has been filed under Article 227 of the Constitution of India for setting aside of order dated 04.02.2023, Annexure P14 whereby conditional stay order of deposit of the enhanced amount and its disbursal, has been vacated.

3. Counsel for the petitioner submits that land belonging to private respondent No.1 was acquired for widening of existing National Highway No.64. Competent Authority-cum-SDM, Sangrur awarded compensation to the landowner vide award dated 15.01.2014. Aggrieved with the award, landowner filed a petition before the Commissioner – cum – Arbitrar, Patiala, who vide award dated 09.05.2019, Annexure P1, enhanced the compensation. Counsel submits that objections have been filed under Section 34 of Arbitration and Conciliation Act, 1996 (for short “the Act”), which are pending. He submits that although the operation of the award passed by the Arbitrator was initially stayed but by the impugned order stay has been vacated. Placing reliance upon the judgments of Supreme Court in *The Project Director National Highways Authority of India Versus Saraswatibai Chandrakant Shinde and others, 2022 (5) R.A.J. 371* and *National Highways Authority of India Versus Sheetal Jaidev Vade and others, 2022 (5) R.A.J. 651*, he submits

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CR-7615-2023 (O&M);
CR-7616-2023 (O&M);
CR-7617-2023 (O&M);
CR-7618-2023 (O&M);
CR-7619-2023 (O&M);
CR-7743-2023 (O&M);
CR-54-2024 (O&M); and
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that the impugned order deserves to be modified in the terms as the observations made therein.

4. Mr.Ranjit Saini, Advocate, who is representing the landowner – respondent No.1 does not have any objection in case the same course is adopted.

5. In view of the above, the impugned order, Annexure P14 is modified with the following directions:

(i) NHAI shall deposit 50 per cent of the compensation amount, as awarded by the Arbitral Court, with the Executing Court within a period of four weeks if not done so far. The said amount shall be released to the land owners unconditionally.

(ii) The learned District Court, before whom the proceedings under Section 34 of the Act are pending, shall make an endeavour to decide such proceedings within a period of six months.

(iii) The balance amount of compensation as per the order to be passed under Section 34 of the Act, shall be deposited by the NHAI with the Executing Court within four weeks after such determination. The said amount shall also be released by the Executing Court in favour of the land owners subject to the rights

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CR-7617-2023 (O&M);
CR-7618-2023 (O&M);
CR-7619-2023 (O&M);
CR-7743-2023 (O&M);
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and remedies available to the parties in law.

6. At this stage, it has been pointed out by counsel for the petitioner that in some of the cases 100% amount as awarded by the Arbitrator has been deposited. In such cases, the remaining amount after disbursal of 50% amount to the landowner as per para 5(i) above, be kept in a fixed deposit, subject to the decision of the objections under Section 34 of the Act.

7. All the petitions stand disposed of.

8. Miscellaneous application (s), if any, stand disposed of.

9. A photocopy of this order be placed on the connected petitions.

09.04.2024
Brij

(SUVIR SEHGAL)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No