



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.1625 of 2023 (O&M)

Date of Order:24.01.2025

Jagir Singh and another

.Appellants

Versus

National Highway Authority of India

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ajay Pal Singh Rehan, Advocate
for the appellants.

ANIL KSHETARPAL, JUDGE (Oral)

CM No.5845-C-2023

For the reasons mentioned in the application, which is supported by an affidavit, the delay of 100 days in filing the appeal is condoned.

2. CM stands disposed of.

MAIN

3. The plaintiffs assail the correctness of the concurrent findings of fact arrived at by the courts below while dismissing their suit for grant of decree of mandatory injunction directing the National Highways Authority of India to make payment of compensation qua structure.

4. The plaintiffs claim that they are owners to the extent of 18 marlas plot in khasra no.14/2/2 but they have not been paid compensation for structure.

5. The defendants contested the suit on the ground that the compensation qua structure has been deposited with the Land Acquisition



Collector.

6. Both the courts dismissed the suit on the ground that the suit has been filed beyond the prescribed period of limitation and the award passed by the Land Acquisition Collector has not been proved.

7. At the outset, the attention of the learned counsel representing the appellants was drawn to Section 3(H) of the National Highways Act, 1956, which reads as under:-

3H. Deposit and payment of amount.—

(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 subsections (2) to (4) shall apply to such deposit.”

8. The learned counsel representing the appellants submits that he does not wish to press this appeal as he intends to avail the remedy under Section 3(H) of the National Highways Act, 1956. In this case, the land has been acquired under this Act.

9. With these observations, the Regular Second Appeal is disposed of.

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

(ANIL KSHETARPAL)
JUDGE

January 24, 2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No