

CWP-15369-2018

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

(102)

CWP-15369-2018

Date of decision:- 11.08.2025

Sant Ishar Singh Public Senior Secondary School, Ranwan, District**Fategarh Sahib****... Petitioner****Versus****Union of India and others****... Respondents****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. A.P.Kaushal, Advocate for
Mr. Navjot Singh, Advocate
for the petitioner.

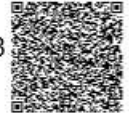
None for respondents No.1 and 2.

Mr. C.S.Bagri, Advocate
for respondent No.3 (THROUGH V.C.)

Mr. Raghujeet Singh Madan, Advocate and
Mr. D.K.Prajapati, Advocate
for respondent No.4-NHAI.

SUVIR SEHGAL, J. (ORAL)

1. Instant writ petition has been filed *inter-alia* for issuance of a writ, in the nature of mandamus, directing respondent No.2 to decide the objections dated 28.05.2018, Annexure P-1, submitted by the petitioner to SDM-cum-Competent Authority, Fatehgarh Sahib.
2. Upon notice, writ petition has been contested by respondents No.3 and 4 by filing separate replies.
3. Counsel for the parties have been heard.



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4. Some land has been acquired by the respondents under the provisions of the National Highways Act, 1956 (for short “the Act”) and an award has been passed by the competent authority on 14.05.2018. There is a dispute between petitioner and respondent No.3 regarding apportionment of compensation. Petitioner alleges that buildings standing on the acquired land belongs to it, whereas respondent No.3, who is running a *dhaba*, claims that he is owner of the structure. Petitioner has submitted objections, Annexure P-1, which are pending before the authorities.

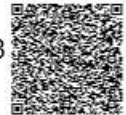
5. Sub-Section (4) of Section 3H of the Act takes care of such a situation. The provision is reproduced hereunder:-

“3H. Deposit and payment of amount:-

XXXX XXXXX XXXX
 (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.”

6. In view of the statutory provision, objections, Annexure P-1, submitted by the petitioner have to be referred by the competent authority to the jurisdictional principal civil court in terms of Section 3H (4) of the Act.

7. Accordingly, writ petition is **disposed of** with a direction to the competent authority to refer the objections to the Court specified in Section 3H (4) of the Act within a period of four weeks from the date of communication of a copy of this order. The objections once received shall be decided by the Court concerned as expeditiously as possible preferably within a period of three months of the receipt from the competent authority.

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8. The disbursal of the disputed amount of compensation shall be made in terms of the decision taken by the Court under Section 3H (4) of the Act.

(SUVIR SEHGAL)
JUDGE

11.08.2025

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No