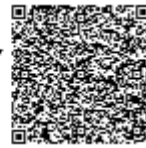


2026:PHHC:007897



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

**CWP-3903-2025 (O&M)
Decided on:-20.01.2026**

Kewal Singh Dhillon and others

....Petitioners..

VS.

Union of India and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. A.S.Manaise, Advocate for the petitioners.

Mr. Karunesh Kaushal, AAG, Punjab.

Mr. B.S. Sudan, Advocate for respondents No.2 and 4.

Mr. Vikram Singh, Advocate and
Mr. Amaninder Preet, Advocate,
Mr. Ishnoor Bains, Advocate for respondent No.5.

HARKESH MANUJA J. (Oral)

1. Short reply by Sh. Manjit Singh Rajla (PCS), Sub Divisional Magistrate, Moga, District Moga, has been filed on behalf of respondent No.3 in Court today, which is taken on record, subject to all just exceptions.
2. By way of present writ petition, prayer has been made for setting aside of the order dated 10.12.2024 (Annexure P-10) passed by respondent No.3-SDM-cum-CALA, Moga, whereby, the objections/petition preferred at the instance of petitioners having invoked Section 3(H)(4) of the National Highway Act, 1956 (for short, "1956 Act"), stood dismissed.
3. On 04.12.2025, this Court passed the following order:-

"CM-18138-CWP-2025

Allowed as prayed for, subject to all just exceptions and short reply by way of an affidavit of Mr. Sarangpreet Singh Aujla, PCS, Sub Divisional Magistrate, Moga, District Moga on behalf of respondent No.3 is taken on record.

MAIN CASE

In the given facts, the grouse of the petitioners is that though, they happened to be co-sharers along with respondent No.5 of 112 marlas of land forming part of Khewat Nos.466/449 which was acquired vide notification dated 10.01.2020 under Section 3-A of the National Highways Act, 1956 (for short 'the Act') followed by award dated 31.12.2021, however, entire amount of compensation has been released by respondent No.3 in favour of respondent No.5 despite the fact that an application was preferred at the instance of petitioners under Section 3H-4 of the 1956 Act which was ultimately dismissed merely for the reason that the amount already stood disbursed in favour of respondent No.5.

Apparently, the afore-stated action of respondent No.3 is untenable in law, as once the land was jointly owned by the co-sharers i.e. the petitioners along with respondent No.5, each and every co-sharer was required to be granted benefit of release of compensation as per their respective share, rather than releasing the entire amount in favour of respondent No.5.

In such circumstances, respondent No.3 is directed to release, as an interim measure, the compensation due towards the petitioners as per their share. Respondent No.3 shall be duty bound to recover the same from respondent No.5 along with interest in accordance with law. The needful with respect to release of the benefit payable to the petitioners be done on or before the next date of hearing; failing which, respondent No.3 shall remain present in Court on the next date of hearing.

List on 15.12.2025.

To be shown in the urgent list."

3.1 In response to the aforementioned order, a sum of

Rs.91,30,807/- has been released in favour of the petitioners against the acquisition.

4. I have heard learned counsel for the parties and gone through the paper book.

5. A perusal of record shows that both the parties are claiming themselves to be co-owners of the acquired land and are claiming compensation as per their respective shares, which needs to be adjudicated upon in terms of the provisions of Section 3(H)(4) of the 1956 Act.

6. Apparently, respondent No.3 while rejecting the application made by the petitioners, merely on account of the fact that the amount of compensation stood disbursed to them, went against the spirit of statutory provisions and thus, the impugned order dated 10.12.2024 passed by respondent No.3, needs to be set aside.

7. In view of the aforesaid circumstances, the impugned order dated 10.12.2024 (Annexure P-10) passed by respondent No.3 is hereby set aside. Accordingly, the present writ petition stands allowed. Respondent No.3 is directed to forward the objections/petition preferred under Section 3 (H)(4) of the 1956 Act (Annexure P-7) at the instance of petitioners to the Principal Civil Court of Original Jurisdiction at Moga. The needful be done within one month from today. It is made clear that in case the same is not done, the respondent No.3 shall be liable to cost of Rs.50,000/- each to both the parties from his/her own pocket.

8. Pending applications, if any, also stand disposed of.

20.01.2026

sonika

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No