



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

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CWP No.8411 of 2019 (O&amp;M)

Date of Decision:19.01.2026

**SHARIF****.....Petitioner****Vs****STATE OF HARYANA AND ORS.****....Respondents****CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA***

Present: Mr. Ashok Kaushik, Advocate with  
Mr. Ankur Kaushik, Advocate  
for the petitioner.

Ms. Komal Sharma, D.A.G., Haryana.

Mr. D.K. Prajapati, Advocate for  
Mr. R.S. Madan, Advocate  
for respondent No.2.

Mr. G.N. Malik, Advocate  
for respondent No.3.

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**HARKESH MANUJA, J. (Oral)**

[1]. By way of present writ petition, the short prayer made on behalf of the petitioner is for the release of amount of compensation against the super structure existing over the Survey No.431 Min. Village Khatela Sarai, District Palwal, on account of acquisition carried out in terms of Notification dated 26.11.2009 issued under Section 3A(1) of the National Highways Act, 1956 followed by Notification dated 19.10.2010 issued under Section 3D(1) of the said Act as well as Award dated 06.02.2013.

[2]. Relying upon the Award dated 06.02.2013 passed by the Competent Authority Land Acquisition NH2, Faridabad (Haryana), the case set up by the



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petitioner is that a sum of Rs.7,88,906/- was assessed in favour of the petitioner against the super structure existing over the acquired land, as such the petitioner being in possession thereof was entitled to the release of said benefit.

[3]. On the other hand, the stand taken by the respondents is that the petitioner is not the owner of the acquired land and, therefore, the amount of compensation cannot be released in his favour.

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

[5]. The issue of title with respect to the acquired land is stated to be *sub-judice* before the learned Tribunal, Gurgram bearing case No.CS/26/2017 and as such undoubtedly the market value assessed for the land acquired at this stage cannot be released in favour of the petitioner, however, once as per the Award dated 06.02.2013, it has been recorded that the super structure existing thereupon belonged to the petitioner and the amount payable against the same was assessed to be Rs.7,88,906/-, the same was required to be released in his favour, especially no objection under Section 3H(4) of the National Highways Act, 1956 been raised at the instance of respondent No.3 i.e. Punjab Wakf Board.

[6]. In such circumstances, the present writ petition is allowed with a direction to the limited extent that respondent No.4 shall release the amount of compensation assessed against the super structure existing over the acquired land in favour of the petitioner in terms of Award dated 06.02.2013 along with all other statutory benefits/interest payable under the Act. The needful exercise in this context shall be carried out within a period of two months from today. However, in case the needful is not done within the stipulated period, respondent No.4 shall be liable to pay cost(s) of Rs.1,00,000/- payable to the petitioner. It is made clear the



that the said cost(s) shall be borne by respondent No.4 from his own pocket and shall not be treated as burden on the State Exchequer. It is again clarified that anything said herein shall not be treated as an expression of opinion qua the rights of the parties towards compensation amount payable towards the land value.

[7]. Pending application(s), if any shall also stand disposed of.

January 19, 2026  
*Atik*

(HARKESH MANUJA)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |