



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

Civil Writ Petition No. 19463 of 2025 (O&M)  
Date of Decision: 27.02.2026

Ujagar Singh

..... Petitioner

**Versus**

Union of India and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Satbir Rathore, Advocate  
for the petitioner-landowner.

Mr. Rishi Kaushal, Advocate  
for respondent No. 2-NHAI.

Mr. Athar Ahmad, DAG, Punjab  
for respondent No. 3.

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

The petitioner-landowner, by way of present petition, seeks issuance of a writ in the nature of *mandamus* directing the respondents to pay the similar amount of compensation as has been awarded to the identically placed landowners in accordance with an arbitral Award dated 23.11.2020 (Annexure P-7) passed by the Commissioner, Jalandhar Division-cum-Arbitrator (**hereinafter to be referred as “Arbitrator”**) in case No. MA-171-2011, titled “*Waryam Singh Versus Union of India and others*”; later upheld by the Court of Additional District Judge, Jalandhar vide decision dated 13.02.2023 (Annexure P-8) passed in **arbitration case / CIS No. ARB / 396 / 2021**, titled “*Union of India and another Versus Waryam Singh and others*”.

**FACTS**

[2] Briefly stating, some land owned by the petitioner situated in the revenue estate of Village Khanpur, Tehsil Mukerian, District Hoshiarpur, came to be acquired in terms of notifications dated 24.12.2004 & 11.07.2005 issued under Sections 3-A & 3-D of the National Highways Act, 1956 (**for short “1956 Act”**) respectively for the *improvement and widening of Jalandhar-Pathankot National Highway-1A KM 26.00 to 117.50 in the State of Punjab*. On 14.12.2007, respondent No. 3 passed an award under Section 3-G (1) of the 1956 Act, whereby the market value was assessed at the rate of Rs. 50,000/- per marla.

[2.1] Being aggrieved, the petitioner sought arbitration invoking Section 3-G (5) of the 1956 Act, wherein vide Award dated 20.07.2011 (Annexure P-2), the learned Arbitrator assessed the market value of the acquired land at the rate of Rs. 1,25,000/- per marla, besides award of other statutory benefits.

[2.2] Thereafter, respondent Nos. 1 & 2 assailed the validity of the arbitration award dated 20.07.2011 before the Court of learned Additional District Judge, Jalandhar, having preferred Arbitration Case No. 775 of 2017, which was dismissed on 12.07.2018 (Annexure P-3).

[2.3] Against the said decision dated 12.07.2018, respondent Nos. 1 & 2 preferred an appeal bearing FAO No. 2500 of 2019 before this Court, which was dismissed for want of prosecution vide order dated 22.12.2022 (Annexure P-4).

[2.4] In terms of the award dated 20.07.2011 passed in favour of the petitioner-landowner @ Rs. 1,25,000/- per marla, the petitioner filed an execution bearing Execution No. 6 of 2023, wherein the enhanced amount

was tendered in his favour by the judgment debtors and the execution stood withdrawn being satisfied. However, later in period, the petitioner came to know that some identically placed landowners whose land was acquired under the same notification dated 24.12.2004 issued under Section 3-A of 1956 Act; for the same purpose; followed by the same award dated 14.12.2007; were granted the benefit of enhanced market value at the rate of Rs. 1,45,000/- per marla for similar nature of land, i.e. agriculture, by the learned Arbitrator vide its award dated 23.11.2020 (Annexure P-7) passed in Arbitration Case of **Waryam Singh (supra)**; the validity thereof was even upheld by the Court of Additional District Judge, Jalandhar vide its decision dated 13.02.2023 (Annexure P-8) upon challenge made by respondent Nos. 1 & 2. Hence, the present petition has been filed for claiming parity in granting the compensation for the land acquired by the respondents.

**CONTENTION(S):-**

**ON BEHALF OF THE PETITIONER**

[3] Learned counsel for the petitioner submits that there was a clear-cut discrimination done with the petitioner-landowner as for the same very acquisition pertaining to the same revenue estate for the same nature of land i.e. agricultural, the petitioner was awarded a sum of Rs.1,25,000/- per marla, whereas an identically placed landowner was granted the benefit at the rate of Rs. 1,45,000/- per marla. He thus submits that keeping in mind the principles of award of just and fair compensation in favour of the petitioner-landowner against compulsory acquisition of his landholding, the award dated 20.07.2011 passed by the learned Arbitrator; later upheld by the Court of Additional District Judge, Jalandhar, even vide its decision dated 12.07.2018 (Annexure P-3); followed by dismissal of the First Appeal

preferred at the instance of respondent Nos. 1 & 2 by this Court vide order dated 22.12.2022; was required to be altered in favour of the petitioner-landowner by granting him the similar benefit of award of market value at the rate of Rs. 1,45,000/- per marla. Learned counsel thus prays that the present writ petition needs to be allowed in the aforesaid terms.

**ON BEHALF OF RESPONDENT No. 2-NHAI**

[4] On the other hand, learned counsel for respondent No. 2 submits that once, the arbitral award dated 20.07.2011 passed in favour of petitioner-landowner was final and even the compensation in terms thereof stood released to him, at this belated stage, after a period of around fourteen years, the said award could not be altered. He further submits that the claim of petitioner towards the award of similar benefits was hit by delay and latches and thus, the claim made in the writ petition was required to be rejected.

[5] Learned counsel for the respondent further contends that the scope of interference under Section 34 of the Arbitration and Conciliation Act, 1996 is strictly limited. It is submitted that the Court is vested only with the power to set aside an arbitral award and does not possess the jurisdiction to modify the same. In support, learned counsel places reliance upon the decision rendered by the Hon'ble Apex Court in case of "**Project Director, NHAI v. M. Hakeem**" reported as **2021 AIR Supreme Court 3471**.

Relevant paragraphs thereof are extracted hereunder for reference:-

*"40. It can therefore be said that this question has now been settled finally by at least 3 decisions of this Court. Even otherwise, to state that the judicial trend appears to favour an interpretation that would read into Section 34 a power to modify, revise or vary the award would be to ignore the previous law contained in the 1940 Act; as also to ignore the fact that the 1996 Act was enacted based on the*

*UNCITRAL Model Law on International Commercial Arbitration, 1985 which, as has been pointed out in Redfern and Hunter on International Arbitration, makes it clear that, given the limited judicial interference on extremely limited grounds not dealing with the merits of an award, the 'limited remedy' under Section 34 is coterminus with the 'limited right', namely, either to set aside an award or remand the matter under the circumstances mentioned in section 34 of the Arbitration Act, 1996.*

*Xxxxxx*

46. *Quite obviously if one were to include the power to modify an award in Section 34, one would be crossing the Lakshman Rekha and doing what, according to the justice of a case, ought to be done. In interpreting a statutory provision, a Judge must put himself in the shoes of Parliament and then ask whether Parliament intended this result. Parliament very clearly intended that no power of modification of an award exists in section 34 of the Arbitration Act, 1996. It is only for Parliament to amend the aforesaid provision in the light of the experience of the courts in the working of the Arbitration Act, 1996, and bring it in line with other legislations the world over."*

### **DISCUSSION AND REASONING**

[6] After hearing learned counsel for the parties and having gone through the paper-book/record, I find substance in the submission(s) made on behalf of the petitioner.

[7] At the outset, it may be noticed here that the *lis* in the present case arises out of the compulsory acquisition of land which essentially needs to be followed and dealt with by award of just and fair compensation to the landowner. In the present case, it has not been disputed that the land of the petitioner herein as well as the land owned by one Waryam Singh, who happened to be the applicant in arbitration case i.e. *MA No. 171 of 2011 (supra)*, formed part of the same revenue estate of Village Khanpur, Tehsil Mukeria, District Hoshiarpur and was notified under Section 3-A of the 1956

Act on 24.12.2004 followed by notification dated 11.07.2005 issued under Section 3-D thereof. Common award under Section 3-G (1) of the 1956 was passed by respondent No. 3 on 14.12.2007, whereby the market value was assessed at the rate of Rs.50,000/- per marla for the land which was being used for the agricultural purposes. A comparative analysis of the proceedings initiated at the instance of the petitioner and that of Waryam Singh, in relation to their respective claims for enhancement of compensation under Section 3-G(5) of the 1956 Act, is set out hereunder:-

| Petitioner-landowner herein |                                                                                                                                                                                                                                                                     | Waryam Singh<br>(Identical landowner) |                                                                                                                                                                                                                                                                                |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Date(s)                     | Proceedings                                                                                                                                                                                                                                                         | Date(s)                               | Proceedings                                                                                                                                                                                                                                                                    |
| 24.12.2004                  | 3-A Notification                                                                                                                                                                                                                                                    | 24.12.2004                            | 3-A Notification                                                                                                                                                                                                                                                               |
| 11.07.2005                  | 3-D Notification                                                                                                                                                                                                                                                    | 11.07.2005                            | 3-D Notification                                                                                                                                                                                                                                                               |
| 20.07.2011                  | Arbitration case bearing MA No. 110 of 2009 decided by the learned Arbitrator while awarding market value at the rate of Rs. 1,25,000/- per marla                                                                                                                   | 23.11.2020                            | Arbitration Case bearing MA No. 171 of 2011 decided by the learned Arbitrator, while awarding market value at the rate of Rs. 1,45,000/- per marla for acquired land of agricultural nature                                                                                    |
| 12.07.2018                  | Dismissed Objections under Section 34 of the 1956 Act preferred by respondent Nos. 1 & 2-NHAI before the Court of Additional District Judge, Jalandhar, while upholding the determination at the rateof Rs. 1,25,000/- per marla (Arbitration Case No. 775 of 2017) | 13.02.2023                            | Dismissed objections under Section 34 of the 1956 Act preferred by respondent Nos. 1 & 2-NHAI before the Court of Additional District Judge, Jalandhar, while upholding the determination at the rate of Rs. 1,45,000/- per marla (Arbitration Case / CIS No. ARB / 396 / 2021 |
| 22.12.2022                  | Appeal bearing FAO No. 2500 of 2019 preferred by respondent Nos. 1 & 2 was dismissed by this Court for want of prosecution                                                                                                                                          | -----                                 | No challenge to the aforesaid decision dated 13.02.2023 was made by respondent Nos. 1 & 2                                                                                                                                                                                      |
| 23.09.2024                  | Execution Application bearing EXE-6-2023 filed by the petitioner was disposed of being satisfied                                                                                                                                                                    | 25.08.2023                            | Execution Application bearing EXE-282-2021 disposed of being satisfied by the learned                                                                                                                                                                                          |

|  |                                                                                                                               |  |                                                                                                             |
|--|-------------------------------------------------------------------------------------------------------------------------------|--|-------------------------------------------------------------------------------------------------------------|
|  | by the learned Additional District Judge, Jalandhar, while releasing the compensation at the rate of Rs. 1,25,000/- per marla |  | Additional District Judge, Jalandhar, while releasing the amount of compensation @ Rs. 1,45,000/- per marla |
|--|-------------------------------------------------------------------------------------------------------------------------------|--|-------------------------------------------------------------------------------------------------------------|

[7.1] From the above, it is evident that the petitioner-landowner herein, whose land was acquired under the same notification has been awarded the compensation at the rate of Rs.1,25,000/- per marla, whereas the identically placed Waryam Singh has been granted the benefit at the rate of Rs. 1,45,000/- per marla for the same nature of agricultural land. Such differential treatment among landowners whose lands were acquired pursuant to the same notification and from the same revenue estate is patently arbitrary and amounts to hostile discrimination against the petitioner. Such an action strikes at the very root of Constitution of India, particularly the mandate of Article 14 guaranteeing equality before law and equal protection of laws.

[8] Moreover, the Hon’ble Supreme Court in *Civil Appeal No.7064 OF 2019 (Arising out of SLP (C) No.9599 OF 2019), titled as “Union of India v. Tarsem Singh”* even went on to hold that similarly situated landowners cannot be denied parity in the matter of compensation merely because the acquisition is undertaken under a different statutory regime. In order to maintain the parity and to avoid discrimination, the Court held that the benefits of solatium and interest under Sections 23(1A), 23(2) and 28 of the Land Acquisition Act, 1894 would apply to acquisitions under the National Highways Act, 1956 as well, and consequently held Section 3J of the National Highways Act to be violative of Article 14 to that extent. Relevant excerpt is reproduced hereunder:-



*“41. ....We therefore declare that the provisions of the Land Acquisition Act relating to solatium and interest contained in Section 23(1A) and (2) and interest payable in terms of section 28 proviso will apply to acquisitions made under the National Highways Act. Consequently, the provision of Section 3J is, to this extent, violative of Article 14 of the Constitution of India and, therefore, declared to be unconstitutional. Accordingly, Appeal @ SLP (C) No. 9599/2019 is dismissed.....”*

In the present case, the matter rests on an even stronger pedestal. Here, the land of both the landowners was acquired under the very same statute, i.e., the 1956 Act, pursuant to the same acquisition process. Once the Apex Court has emphasized parity even across different statutes, there can be no conceivable justification for awarding differential compensation to identically situated landowners whose lands were acquired under the same statute, the same notification, the same nature and even the same revenue estate.

[9] Even otherwise, the Hon’ble Apex Court in catena of judgments has held that the landowners whose lands are acquired under the same acquisition proceedings need to be awarded similar amount of compensation.

[9.1] Also, the Hon’ble Supreme Court in **Civil Appeal No. 303 of 2017 (Arising from SLP ©No. 5108 of 2014)**, titled as **“A.V. Subramanian vs. Union of India”** held as under:-

*“5. We may not have any quarrel with the legal position. However, having regard to the factual position that in a land acquisition case the claimants have received different amounts by way of compensation and that too in respect of the lands of same nature covered by the same notification and acquired for the same purpose, we are of the view that all these technicalities should give way since they are procedural and which can still be cured.*



*We do not think that the appellant should be driven to such steps having regard to the factual position we have referred to above.*

6. *Therefore, we are of the view that the lis should be given a quietus. For doing complete justice, we hold that the appellant shall be entitled to the benefit of the judgment of this court dated 08.11.2005 passed in Civil Appeal No.1500 of 2004.”*

[9.2] In another case bearing **Civil Appeal No. 10429-10430 of 2017 (Arising out of SLP Nos. 2354-2355 OF 2017)** titled as “**Narender and Ors. vs. State of Uttar Pradesh and Ors.**”, the Hon’ble Apex Court observed as under:-

*“ It is to be kept in mind that in the matter of compulsory acquisition of lands by the Government, the villagers whose land gets acquired are not willing parties. It was not their voluntary act to sell of their land. They were compelled to give the land to the State for public purpose. For this purpose, the consideration which is to be paid to them is also not of their choice. On the contrary, as per the scheme of the Act, the rate at which compensation should be paid to the persons divested of their land is determined by the Land Acquisition Collector. Scheme further provides that his determination is subject to judicial scrutiny in the form of reference to the District Judge and appeal to the High Court etc. In order to ensure that the land owners are given proper compensation, the Act provides for ‘fair compensation’. Once such a fair compensation is determined judicially, all land owners whose land was taken away by the same Notification should become the beneficiary thereof. Not only it is an aspect of good governance, failing to do so would also amount to discrimination by giving different treatment to the persons though identically situated. On technical grounds, like the one adopted by the High Court in the impugned judgment, this fair treatment cannot be denied to them.*

[9.3] In yet another case, titled “**New Okhla Industrial Development Authority vs. Harnand Singh**”, reported as

**2024(3)RCR(Civil)428**, the Hon'ble Supreme Court while allowing miscellaneous applications seeking parity held as under:-

*“ 47. In our considered opinion, it would indeed be unfair to single out a few individual landowners and deny them the benefit of just compensation, owing to factors and processes outside their control. Comparing the impact of not allowing these miscellaneous applications solely on grounds of maintainability vis-a-vis allowing them marginally higher compensation in the larger interest of justice-we are persuaded to accede to the landowners' prayers. Disallowing these applications would in a way be against the spirit of Article 14 of our Constitution and will defy the right to treat those placed equally in an equal manner.*

*Xxxxxxxxxxx*

*49. Consequently, the landowners in these miscellaneous applications are also held entitled to the new revised rate of INR 403 per sq. yd. for their acquired land.”*

[10] Thus, in view of the above discussion, the plea of delay and laches sought to be raised by the respondents cannot be permitted to defeat a claim founded upon a continuing constitutional infirmity on the touch-stone of Article 14.

[11] Further, the contention of the respondent that under Section 34 of the Arbitration and Conciliation Act, 1996, the Court is empowered only to set aside an arbitral award and lacks jurisdiction to modify the same, on the strength of ***M Hakeem's case (supra)*** is wholly misplaced in the present proceedings. The ratio laid down in ***M. Hakeem's case (supra)*** is confined to the scope of interference under Section 34 of the 1996 Act , whereas the present petition has been instituted under Article 226 of the Constitution of

India which is plenary in nature.

In fact, a Division Bench of this Court in “***Bir Singh vs. Union of India***” reported as ***2016(5)RCR(Civil)344*** dealing with a situation where there was a delay of about three years in seeking appointment of an arbitrator, declined to relegate the parties to the arbitral process. Taking note of the fact that compensation in respect of similarly situated landowners had already been enhanced and had attained finality, the Court deemed it appropriate, in exercise of its writ jurisdiction, to extend the same benefit rather than compel a fresh reference which would only prolong the matter.

Relevant excerpt is reproduced hereinunder:-

*“21. In view of the aforesaid judgment, we deem it appropriate to set aside the order passed by the Central Government declining the reference to Arbitrator for determination of amount of compensation. But since the award in respect of the other land owners has attained finality, the procedure for appointment of an Arbitrator will only delay the determination of the amount of compensation and cause unnecessary harassment to the landowners.*

*22. Consequently, we allow the present writ petitions and direct the respondents to pay the compensation to the land owners in terms of the Award dated 13.01.2012 finalised in respect of the other land owners.”*

[12] Although the scope of interference under the writ jurisdiction against arbitral awards rendered under the Arbitration and Conciliation Act, 1996 is undoubtedly limited, the same principle cannot be applied with equal rigidity to arbitration proceedings conducted under the National Highways Act, 1956. The latter contemplates a form of statutory arbitration, wherein the Arbitrator is appointed by the Central Government, unlike consensual arbitration contemplated under section 10 and 11 of 1996 Act where the

appointment of the arbitrator is primarily founded upon the party autonomy of the disputants. Also, given that such arbitrators are appointed by the Central authority itself, the possibility of perceived institutional bias or lack of complete neutrality cannot be altogether ruled out. In such circumstances, a writ court exercising jurisdiction under Articles 226/227 of the Constitution of India may be justified in exercising a broader supervisory scrutiny to ensure justice, fairness, parity to the aggrieved landowner. Furthermore, most recently, a 3 judge-bench of the Hon'ble Supreme Court presided over by Hon'ble Chief Justice of India in the case of ***M/ s Riar Builders Pvt Ltd & Anr. v. Union of India & Ors.*** reported as ***2026 LiveLaw (SC) 65*** while suggesting reanalysis of the legislative scheme for parity in compensation mechanisms for land acquisition observed as under:-

- “ 5. *Adverting to the main case, it has transpired during the course of the hearing that under the 1956 Act, the remedy provided to an expropriated land owner/interested party, if such person is aggrieved by the rate of compensation determined by the competent Authority, is to invoke arbitration under Section 3G(5) read with provisions of the 1996 Act. Such an arbitration petition is adjudicated not by a judicial authority but by an officer notified by the Central Government. Invariably, the Collectors or Commissioners of the Revenue Districts/Divisions are notified to act as arbitrators. These officers are generally pre-occupied with their multiple administrative responsibilities and they also do not have the desired experience of a judicially trained mind to adjudicate the complex issues like determination of market value of the land or other statutory benefits to which the affected parties are now entitled to in light of the decision of this Court Union of India & another v. Tarsem Singh & others, (2019) 9 SCC 304, as well as the subsequent amendments made by the Parliament in the 1956 Act.*
6. *Not only this, the further recourse left to an aggrieved expropriated land owner or any other interested party is to file*

*an appeal under Section 34 of the 1996 Act, followed by a further appeal under Section 37 of the 1996 Act before the High Court. By now, the restricted and limited scope of interfering with an arbitral award, by a superior forum in purported exercise of its powers under Sections 34 or 37 of the 1996 Act, as the case may be, has been well defined by this Court in a catena of judgments.*

7. *Contrarily, the expropriated land owners/interested persons, whose lands were earlier being acquired under the Land Acquisition Act, 1894 (in short, the "Old Act"), were entitled to seek further enhancement through a reference under Section 18 of the Old Act and such references were decided only by the Judicial Courts, comprising a Presiding Officer in the rank of District Judge/Additional District Judge. There was a further remedy of first appeal before the High Court, and thus even the High Court had the power to re-appreciate and re-appraise the evidence and then form an opinion re: market value of the acquired land.*
8. *Such a recourse for the expropriated land owners and other interested parties has been further widened by the grant of additional statutory benefits and a higher rate of compensation under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (in short, the "New Act").*
9. *It may, thus, be seen that the land owners, whose land is acquired under the 1956 Act, vis-a-vis the land owners whose lands are acquired now under the New Act, have been treated as separate classes, apparently without any intelligible differentia. This leads to grave heartburn among the land owners of the first category, namely, those whose lands are acquired under the 1956 Act.*
10. *While there seems to be a lot of legislative wisdom discernible from the mechanism encapsulated under the 1956 Act, to the effect that the acquisition under this Act must take place in a time-bound and expeditious manner so that the development of National Highways is not hampered or delayed. Though such a legislative policy is laudable, prima facie, it seems that this*

*object can be kept intact while ensuring the land owners that they will be entitled to assessment of compensation for the acquired land in the same manner as is determined for the land owners whose lands are acquired under the Old Act or under the New Act, even when such acquisition is also for infrastructural development.*

11. *Keeping these factors in view, we implore and suggest that the Union of India should revisit the legislative scheme and consider the desirability of bringing parity in the matter of providing a mechanism for the determination of the market value of acquired land with reference to Article 300A of the Constitution of India.”*

[13] In the peculiar facts and circumstances of the present case, the petitioner-landowner has been left with no efficacious remedy at this stage. Thus, judicial review conferred upon this Court under Article 226 of the Constitution of India, needs to be invoked in order to do complete justice between the parties and also to avoid the discrimination with which the petitioner has been meted out. Besides it, mere fact that the execution application preferred at the instance of petitioner-landowner stands satisfied in terms of previous award dated 20.07.2011 passed by the learned Arbitrator, is not to be treated as a bar to alter the said award so as to grant parity to the petitioner in terms of award of similar market value based on award dated 23.11.2020 (Annexure P-7) passed by the learned Arbitrator in ***Waryam Singh’s case (supra)***.

[14] In view of the aforesaid, and in order to obviate further delay and unnecessary hardship that would ensue from a remand for fresh adjudication, this Court considers it just and appropriate to modify the award dated 20.07.2011 passed by the learned Arbitrator. Accordingly, the petitioner-landowner is held entitled to compensation at the rate of ₹1,45,000/- per marla, along with all consequential statutory benefits, in parity with the

award dated 23.11.2020 rendered in *Waryam Singh’s case (supra)*.

[15]           With the aforesaid observations, the present petition is disposed of.

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

February 27, 2026  
*'dk kamra'*

( HARKESH MANUJA )  
JUDGE

|                                  |               |
|----------------------------------|---------------|
| <i>Whether Speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether Reportable</i>        | <i>Yes/No</i> |