

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-12789-2022(O&M)
Date of Order: 02.06.2022

Deepali Sharma and another

..Petitioners

Versus

Sub Divisional Magistrate cum Land Acquisition Collector, Mohali
and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ivneet Singh Pabla, Advocate, for the petitioners.
Mr. Nikhil Chopra, Addl.A.G., Punjab.
Mr. Abhilaksh Gaind, Advocate and
Mr. Rakesh Roy, Advocate, for respondent no.2-NHAI.

ANIL KSHETARPAL, J(Oral)

The petitioners pray for issuance of a writ in the nature of mandamus to direct the competent authority-Land Acquisition Collector to refer the dispute with regard to the apportionment of the compensation to the Principal Civil Court.

Admittedly, the petitioners are not the owners of the property. They claim compensation on the basis of some agreement to sell.

Sh. Chopra, Additional Advocate General, Punjab, has informed the Court that the Enforcement Directorate has already restrained the competent authority from disbursing the amount of the owners which is incorporated company.

Section 3(H)(4) of the National Highways Act, 1956, enables any person interested in the compensation, to file an application to the competent authority with a request to forward the dispute with regard to entitlement or apportionment to the Principal Civil Court.

The petitioners have applied under Section 76 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. In the present case, the acquisition is under the National Highways Act, 1956.

Keeping in view the aforesaid facts, the petitioners, if so advised, may apply to the competent authority under Section 3(H)(4) of the National Highways Act, 1956.

With these observations, the revision petition is disposed of.

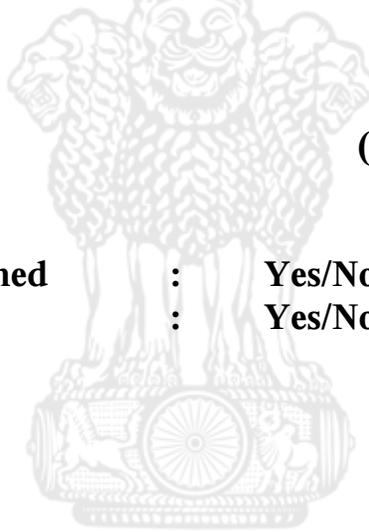
All the pending miscellaneous applications, if any, are also disposed of.

June 02, 2022

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No



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