



2026:PHHC:005139



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

**CWP-20675-2024 (O&M)
Decided on:-15.01.2026**

Balwinder Singh and others

....Petitioners..

VS.

State of Punjab and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. N.S. Chahal, Advocate,
for the petitioners.

Mr. Karunesh Kaushal, AAG, Punjab.

Mr.C.S. Jattana, Advocate
for respondents No.5 to 7 and 9.

HARKESH MANUJA J. (Oral)

1. By way of present writ petition, challenge has been laid to an order dated 23.01.2024 passed by respondent No.2, whereby, an application preferred at the instance of petitioners-landowners having invoked Section 3H(4) of the National Highway Act, 1956, stands rejected.

2. Learned counsel for the petitioners submits that the petitioners as well as the private respondents jointly owned 24 kanals & 14 marlas of land situated in the revenue estate of village Dhan Singh Khana, Hadbast No.23, Tehsil Bathinda, District Bathinda, out of which 2/3rd share i.e. 16 kanal & 7 marlas, was the share held by the petitioners, whereas, the remaining 1/3rd share, measuring 8 kanals & 7 marlas, fell to the share of private respondents. He also points that out of the aforesaid land measuring

24 kanals & 14 marlas, around 10 kanals & 9 marlas of land was acquired for the benefit of respondent No.4 in terms of award dated 12.07.2021 passed by respondent No.2, whereas, the petitioners have been released the compensation only to the extent of 2 kanals & 1 marla.

2.1 Learned counsel further submits that in view of the above, a petition was preferred before respondent No.2 having invoked Section 3 H(4) of the 1956 Act, however, the same has been dismissed, merely on the ground that the payment already stands released in favour of the landowners. Learned counsel submits that the reasoning recorded by respondent No.2 while passing the impugned order dated 23.01.2024 was wholly unsustainable as respondent No.2 had no authority to adjudicate upon the matter relating to apportionment and that too merely by concluding that the compensation stands disbursed.

3. On the other hand, learned counsel appearing on behalf of private respondents submits that once the amount already stands released in favour of the respective owners, respondent No.2 is left with no authority to refer the matter to the Reference Court in exercise of powers under Section 3H(4) of the 1956 Act and thus, there is no illegality with the impugned order dated 23.01.2024 passed by respondent No.2. Accordingly, the present writ petition was liable to be dismissed.

4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioners.

5. Once a specific and categorical dispute had been raised by the petitioners with respect to the apportionment of the compensation amount, mere fact that the compensation stands disbursed would not refrain

respondent No.2 from referring the matter to the Principal Civil Court of Original Jurisdiction where the land is located. No such direct or implied inference can be drawn from the reading of Section 3H(4) of the 1956 Act.

6. In view of the aforesaid circumstances, the impugned order dated 23.01.2024 (Annexure P-6) passed by respondent No.2 is hereby set aside. Accordingly, the present writ petition stands allowed. Respondent No.2 is directed to refer the matter to the Principal Civil Court of Original Jurisdiction, in exercise of powers under Section 3H (4) of the 1956 Act. The needful be done within one month from today. In case, the order is not complied with, respondent No.2 shall be liable to pay cost of Rs.1 lakh to the petitioner. The cost shall be borne by respondent No.2 from his own pocket and shall not be treated as burden on the State exchequer.

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

15.01.2026

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No