

SUPREME COURT OF INDIA

Tarlochan Singh

Vs.

Union of India

C.A.No.5463-5466 of 2017

(J.Chelameswar and S.Abdul Nazeer,JJ.,)

21.04.2017

ORDER

S.Abdul Nazeer,J.,

SLP.(Civil)No.22235-22238 of 2016

1. Leave granted.

2. In these appeals the appellant has challenged the legality and correctness of the order dated 14th March, 2016 passed by the High Court of Punjab & Haryana at Chandigarh in RA-CR No.196 of 2011 in FAO No.254 of 2014, RA-CR No.199 of 2011 in FAO No.6225 of 2013, RA-CR No.197 of 2014 in FAO No.6226 of 2013 and FAO No.6315 of 2013, whereby the High Court had remanded the cases back to the Arbitrator for fresh disposal in terms of the said order.

3. The respondents in pursuance of the notification dated 24 th December, 2004 under Section 3A of the National Highways Act, 1956 (for short 'the Act') acquired land of the appellant measuring 20 Marlas for widening the National Highway (Jalandhar-Pathankot Road). The LAC determined compensation of Rupees 1,23,050/- to be paid to the land owner for the acquired land. The appellant being aggrieved by the amount of compensation awarded to him made a reference before the Commissioner, Jalandhar Division, Jalandhar-cum-Arbitral Tribunal. The learned Arbitrator enhanced the compensation to Rupees 41 lakhs vide award dated 4 th April, 2009. The appellant being aggrieved by the said order, filed an application under Section 34 of the Act before the Additional District Judge, Jalandhar. The District Judge vide order dated 9th March, 2010 remanded the matter back to the Arbitrator to make fresh award. On 4th June, 2010, the Arbitrator passed an order enhancing the price of land to Rupees 2.15 lakhs per marla, awarded severance charges at the rate of Rupees two lakh and Rupees two hundred per feet for the boundary wall along with interest.

4. The appellant filed review petition seeking separate compensation for boundary wall, flooring and compensation for loss of business. By order dated 19th July, 2010, the Arbitrator passed an award by granting additional compensation at Rupees 150/- per sq. ft. for the flooring of the land and Rupees five lakh as lump sum compensation for shrinking the front portion of the land on the assumption that the business was affected.

5. The respondents challenged the awards dated 4th June, 2010 and 19th July, 2010 before the Additional District Judge, Jalandhar. The Additional District Judge by his order dated 6th July, 2013 upheld the Award. The appellant filed FAO 6315 of 2013 before the High Court of Punjab & Haryana at Chandigarh challenging the aforesaid two orders of the Arbitrator. The respondents filed FAO 6225/2013, 6226/2013 and FAO 254/2014 challenging the order of the Additional District Judge dated 6th July, 2013 and the awards dated 4th June, 2010 and 19th July, 2010 passed by the Arbitrator. The High Court dismissed all their appeals on 8th January, 2014 and on 3rd February, 2014. The respondents filed Special Leave Petition challenging the dismissal of their appeals before this Court in SLP(C) CC Nos.10645-46 of 2014, which were withdrawn on 14th August, 2014. Thereafter, the respondents filed review applications before the High Court. As noticed above, the High Court has passed an order on 14th March, 2016 allowing the review applications and remitting the matter again to the Arbitrator.

6. We have heard learned counsel appearing for the appellant, as well as Mr. Nadkarni, learned Additional Solicitor General. It is clear that though the land was acquired in the year 2004, the appellant is yet to receive the full compensation. The matter is still pending before the statutory Arbitrator. The matter requires expeditious disposal. We are of the view that it is just and proper to appoint Hon' ble Shri Justice Mukul Mudgal, former Chief Justice of Punjab & Haryana High Court, as an Arbitrator in the place of the statutory Arbitrator appointed under Section 3G(5) of the National Highways Act, 1956, for adjudication of the dispute between the parties in relation to the quantum of compensation payable to the land owner. The statutory Arbitrator is directed to send all the case papers in relation to the aforesaid cases to the learned Arbitrator appointed as per this order forthwith. The parties are directed to appear before the learned Arbitrator on 17th May, 2017 at 11.00 A.M. along with copy of this Order. The learned Arbitrator is requested to adjudicate the aforesaid dispute as expeditiously as possible.

7. The appeals are disposed of in the aforesaid terms.

8. There will be no order as to costs.