

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

Civil Writ Petition No.573 of 2019 a/w  
Civil Writ Petition Nos.588, 998 and 3330 of 2019  
Date of Decision: 18.12.2024

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**1. CWP No.573 of 2019**

|                           |               |                  |
|---------------------------|---------------|------------------|
| Bhim Singh and Another    |               | .....Petitioners |
|                           | <b>Versus</b> |                  |
| Union of India and Others |               | .....Respondents |

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**2. CWP No.588 of 2019**

|                           |               |                  |
|---------------------------|---------------|------------------|
| Naveen Kumari and Another |               | .....Petitioners |
|                           | <b>Versus</b> |                  |
| Union of India and Others |               | .....Respondents |

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**3. CWP No.998 of 2019**

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|---------------------------|---------------|------------------|
| Raj Bala and Another      |               | .....Petitioners |
|                           | <b>Versus</b> |                  |
| Union of India and Others |               | .....Respondents |

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**4. CWP No.3330 of 2019**

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| M/s Seerat Residence      |               | .....Petitioner  |
|                           | <b>Versus</b> |                  |
| Union of India and Others |               | .....Respondents |

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**Coram**

**Hon'ble Mr. Justice Sandeep Sharma, Judge.**  
**Whether approved for reporting?**

**For the Petitioner(s):** Mr. Sudhir Thakur, Senior Advocate, with Mr. Somesh Sharma, Advocate, in all the petitions.

**For the Respondent(s):** Ms. Shreya Chauhan, Advocate, for respondent No.2, in all the petitions.

Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General, for respondent/State, in all the petitions.

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**Sandeep Sharma, J.** (Oral)

Vide this order, above mentioned petitions would be disposed of, as they involve a common issue.

2. Petitioners have filed the petitions under Article 226 of the Constitution of India. For convenience, relief claimed in CWP No.573 of 2019, is reproduced as under:-

i) *Directing the respondent No. 3 to pay the entire compensation per award no. 21/2 more particularly Annexure-P-1 appended with the award to the petitioners. Further respondent no. 3 is further to be directed to pass the award with respect to the land over which the structures are situated.*

ii) *Further the respondents are to be restrained from taking forcible possession of the land and structure on the spot till the entire compensation and award is not passed with respect to the land of the petitioner.*

lii) *Directing the respondents to pay the entire compensation and thereafter to accord period of 60 days to vacate the premises to petitioner as per Section 3 (h) of the act.*

3. During the course of arguments, it has transpired that both the parties have approached the Arbitrator under Section 3G(5) of The National Highways Act, 1956. Since the parties have already approached the appropriate authority under the Act, no ground for further interference by this Court is called for.

4. However, both the parties would be at liberty to take all the pleas available to them before the Arbitrator, who is to assess the amount of compensation, in accordance with law, liable to be paid to the petitioners-claimants/counter-claimants, after hearing both the parties. Petitioners-



claimants/counter-claimants would also be at liberty to move an application for release of the amount awarded to them before the Arbitrator, who shall decide the same in accordance with law, expeditiously, preferably within a period of four weeks. Needless to say, differential amount, if not already deposited, shall be deposited by respondent No.2 in the Registry of this Court, within a period of six weeks.

Petition stands disposed of, along with pending applications, if any.

**(Sandeep Sharma),  
Judge**

December 18, 2024  
(Rajeev Raturi)