

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

CWP No.20401 of 2015(O&M)

Date of decision:8.10.2015

Dhruv Singh and others

....Petitioners

VERSUS

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present: Mr. R.S. Manhas, Advocate for the petitioners.

HEMANT GUPTA, J.(Oral)

The petitioners sought a writ of mandamus to the effect that the respondents should vacate the land of the petitioners or acquire the land of the petitioners under the provisions of the Land Acquisition Act, 1894 (for short 'the Act') by paying adequate compensation.

The grievance of the petitioners is that the land owned by the petitioners is in occupation of the respondents, therefore, either the respondents should hand over the possession or acquire land.

We have heard learned counsel for the parties and find no merit in the present writ petition. The petitioners have filed civil suit claiming possession and also for damages in respect of such occupation. Such suit was partly decreed on 11.12.2010 when damages were granted. An appeal stands dismissed on 14.08.2013.

Once the petitioners have chosen the right to claim compensation, the petitioners cannot claim any direction more so from this Court for vacation of their land. This Court cannot direct the respondents to acquire the land of the petitioners. It is for the respondents to consider and to take an appropriate decision either to acquire the land or to pay the compensation under the decree passed by the Civil Court.

We do not find any merit in the present writ petition.

Dismissed.

(HEMANT GUPTA)
JUDGE

OCTOBER 8, 2015
'D. Gulati'

(RAJ RAHUL GARG)
JUDGE