

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.19811 of 2016.

Date of Decision: September 23, 2016

Krishan Kumar and others

.....Petitioners

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Chanderhas Yadav, Advocate, for the petitioners.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The instant petition is nothing but a circuitous method to seek enhancement of compensation for the acquired land, namely, the claim which the petitioners had raised but gave up voluntarily. The facts are like this.

[2] A huge chunk of land of villages Gorakhpur, Kajalheri and Badopal, Tehsil and District Fatehabad, including the land of petitioners was acquired for construction of 2800 Mega Watt Atomic Power Project. The Land Acquisition Collector gave the compensation @ Rs.20.00 lacs per acre. The petitioners and several other land-owners were dissatisfied and they filed references under Section 18 of the Land Acquisition Act, 1894 (for short, 'the 1894 Act'). While some of the land-owners continued to pursue their references, the petitioners withdrew the same as they wanted to take benefit of Resettlement and Rehabilitation Policy of the State Government. Under that policy, some incentives for 'no litigation' were

admissible. The petitioners took advantage thereof and therefore, withdrew their references filed under Section 18 of the 1894 Act.

[3] The land-owners who declined to accept the incentives under Resettlement and Rehabilitation Policy, continued with their references under Section 18 of the 1894 Act and they partly succeeded as the learned Additional District Judge, Fatehabad, vide Award dated 20.10.2015 enhanced the compensation to the tune of Rs.29,04,000/- per acre.

[4] The petitioners thereafter woke up and raised their claim for the higher compensation.

[5] A mandamus is thus sought to direct the authorities to grant the petitioners same amount of compensation as has been awarded to other farmers/land-owners by way of an award passed by the learned Additional District Judge.

[6] The plea taken is that the petitioners were 'forced' to withdraw their references for which the authorities compelled them. A psycho-fear was statedly created by the local administration to compel the petitioners to withdraw their references.

[7] Having given our thoughtful consideration, we are unable to accept the above-stated story. It is an admitted fact that several farmers/land-owners did not accept the benefit of Resettlement and Rehabilitation Policy and none of them withdrew their references under Section 18 of the 1894 Act. It is not understandable as to what type of pressure was built up on the petitioners alone for withdrawal of their references. The story put-forth by the petitioners is nothing but appears to be an afterthought. The order of withdrawal clearly recites that the petitioners withdrew their references as they wanted to avail the incentives

under 'no litigation' Policy. It is not disclosed in the writ petition as to what were the incentives availed by the petitioners.

[8] Be that as it may, it is obvious that they availed some benefits under the Resettlement and Rehabilitation Policy in lieu of the enhanced compensation.

[9] On the other hand, the farmers who did not avail such incentives have got the enhanced compensation as awarded by learned Additional District Judge, Fatehabad. The petitioners are losers due to their own act, hence cannot blame the local administration or anyone else for this. The petitioners withdrew the references with their eyes open as they thought that the incentive/relief under the Resettlement and Rehabilitation policy were more benefited. Having availed such benefits, the petitioners cannot now claim that they are entitled to enhanced compensation as well.

[10] Further, the writ petition raises several disputed questions of facts which cannot be gone into in these summary proceedings.

[11] For the reasons stated above, the writ petition stands dismissed. However, if there is any other remedy available to the petitioners under the law to seek higher compensation, they may avail such remedy.

[SURYA KANT]
JUDGE

September 23, 2016
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No