

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

Varinder Singh
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Punjab & Haryana High Court at
Chandigarh

CWP No. 4441 of 1999 (O&M)

Date of decision: 24.1.2017

Ramesh Lal and others

.. Petitioners

vs

The State of Punjab and others

.. Respondents

Coram: **Hon'ble Mr. Justice Rajesh Bindal**
 Hon'ble Mr. Justice Harinder Singh Sidhu

Present: Mr. Arvind Kashyap, Advocate, for the petitioners.
 Mr. Piyush Bansal, Deputy Advocate General, Punjab.
 Mr. M. L. Sarin, Senior Advocate with
 Mr. Hemant Sarin, Advocate, for the private respondents.

Rajesh Bindal, J.

The present petition has been filed by the petitioners seeking quashing of the award of the Land Acquisition Collector (for short, 'the Collector') dated 26.11.1997. The case set up by the petitioners is that as they are co-sharer in the *shamlat* land, the Collector while awarding the compensation should have granted compensation to them to the extent of their share.

The stand of the State is that whosoever was the person entitled to receive the compensation for the *shamlat* land, have been paid the compensation by the State. In any case the petitioners had any grievance against the award of the Collector regarding their right to receive entire compensation or apportionment thereof, they could file objections before the Collector which are to be referred to the Court for determination of the issues raised. As they had the effective alternative remedy, the writ petition challenging the award announced by the Collector cannot be entertained.

CWP No. 4441 of 1999 (O&M)

-2-

After hearing learned counsel for the parties, in our opinion, the present petition deserves to be dismissed as not maintainable as the petitioners had the effective alternative remedy of filing objections before the Collector raising the dispute regarding their share in the *shamlat* land, which was acquired. Further, the disputed facts regarding ownership of land or the shares of different landowners in the *shamlat* land cannot possibly be determined in writ jurisdiction.

For the reasons mentioned above, the writ petition is dismissed.

(Rajesh Bindal)
Judge

24.1.2017
vs

(Harinder Singh Sidhu)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No