

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

**CWP No.13699 of 2017
Date of Decision : 18.07.2017.**

Suresh and others

.....Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Ashish Gupta, Advocate for the petitioners.

ARUN PALLI, J. (Oral)

This is a petition under Article 226/227 of the Constitution of India seeking a writ in the nature of mandamus directing respondent No.2 i.e. DRO-cum-Land Acquisition Collector to award the same compensation to the petitioners as has been awarded to their co-landowners by this Court, vide order dated 27.05.2016, rendered in RFA No.9866 of 2014 (Rampal and another Vs. State of Haryana and another).

Notice of motion.

Mr. Shivendra Swaroop, AAG, Haryana, present in Court, accepts notice on behalf of the respondents.

For the matter in issue does not require any formal written statement or a counter affidavit by the State, with the consent of the learned counsel for the parties, the writ petition is being finally disposed of.

Concededly, vide award No.4, dated 14.06.2010, the Land Acquisition Collector had assessed the acquired land at ₹60,00,000/- per acre.

Being aggrieved by the assessment as also the compensation awarded by the Collector the claimants-landowners filed objections under Section 18 of the Land Acquisition Act, 1894 (for short 'the Act'). Resultantly, the dispute was referred to the Civil Court for determination of the true value of the acquired land. The reference Court, vide award dated 30.07.2014, enhanced the compensation to ₹1,39,87,202/- per acre. Concededly, the petitioners never filed any objections under Section 18 of the Act to the award rendered by the Land Acquisition Collector. Resultantly, they moved the Collector for re-determination of compensation, in terms of the award dated 30.07.2014, under Section 28-A(1) of the Act. And, vide order dated 11.08.2015 (Annexure P-3), the Land Acquisition Collector awarded the same compensation to the petitioners as was awarded to their co-landowners by the reference Court. However, in the meanwhile, in the appeals filed by a few of the co-landowners, seeking further enhancement, this Court, vide order and judgment, dated 27.05.2016 (Annexure P-2), further enhanced the compensation. That is how, as indicated above, the petitioners are before this Court claiming the same compensation as was awarded by this Court in the case of Rampal and another Vs. State of Haryana and another, rendered in RFA No.9866 of 2014.

Learned counsel for the respondents submits that since vide order dated 11.08.2015 (Annexure P-3), the Collector has re-determined the compensation in terms of the provisions of Section 28A(1), to seek any further enhancement in terms of the decision of this Court, the petitioners could only moved the Collector under Section 28-A(3) to refer the dispute

to the Court.

Faced with this, learned counsel for the petitioners submits that he be permitted to withdraw this petition so as to enable the petitioners to approach the Land Acquisition Collector (respondent No.2) by moving the necessary application under Section 28-A(3). Learned counsel for the respondents submits that in the event any such application is made within a period of four weeks from today the same shall be duly considered and decided on merits.

Writ petition is disposed of in the above terms.

18.07.2017

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No