

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

**RFA No.4073 of 2016 (O&M)
Date of Decision : 06.02.2017.**

Om Parkash and others

.....Appellants

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Ashok Kumar Sehrawat, Advocate for the appellants.

Ms. Safia Gupta, AAG, Haryana.

ARUN PALLI, J. (Oral)

Concededly, post award of the Land Acquisition Collector, the applicants-appellants never filed objections under Section 18 of the Land Acquisition Act, 1894 (for short 'the Act'). And, even after their co-sharers were awarded enhancement by the reference Court, vide award dated 16.02.2011, they never invoked the provisions of Section 28-A of the Act for re-determination of compensation. In fact, they moved the executing Court to award them the same compensation in terms of the award dated 16.02.2011, being co-sharers in the acquired land. And, the executing Court, vide order dated 23.04.2015, granted their claim. Now, when in the appeals against the award dated 16.02.2011, this Court vide order and judgment dated 28.01.2016, rendered in RFA No.1838 of 2011, has further enhanced the compensation, the applicants too have filed the appeal against

the award dated 16.02.2011.

Learned counsel for the appellants could not point out as to how the present appeal would even be maintainable. For, neither the appellants filed the objections under Section 18 of the Act nor were parties before the reference Court. Faced with this, learned counsel for the appellants submits that he be permitted to withdraw this appeal so as to enable the applicants/appellants to move the executing Court or to resort to the remedy as admissible in law.

Dismissed as withdrawn.

06.02.2017

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No