

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

**Civil Writ Petition No.12450 of 2018 and
other connected petitions
Decided on : 17.05.2018**

Hawa Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. Ranjit Saini, Advocate
for the petitioners.

G.S. Sandhawalia, J. (Oral)

The present order shall dispose of four writ petitions i.e.

CWP Nos.12450, 12458, 12459 and 12521 of 2018.

Admittedly, the landowners have already preferred their remedy before the Executing Court to enforce the Awards, whereby the market value was assessed of the land acquired. The Executing Courts are already seized off the matter and, therefore, it would not be appropriate to exercise the discretionary writ jurisdiction under Article 226/227 of the Constitution of India to monitor payment of the compensation.

The Apex Court in **United Bank of India Vs. Satyawati Tondon and others, 2010 (8) SCC 110** has held that where efficacious alternative remedy is available, the writ Court is not to exercise its jurisdiction. The relevant observations read as under :-

“44. While expressing the aforesaid view, we are conscious that the powers conferred upon the High Court under Article 226 of the Constitution to issue to any person or authority, including in appropriate cases, any Government, directions, orders or writs

including the five prerogative writs for the enforcement of any of the rights conferred by Part III or for any other purpose are very wide and there is no express limitation on exercise of that power but, at the same time, we cannot be oblivious of the rules of self imposed restraint evolved by this Court, which every High Court is bound to keep in view while exercising power under Article 226 of the Constitution. 45. It is true that the rule of exhaustion of alternative remedy is a rule of discretion and not one of compulsion, but it is difficult to fathom any reason why the High Court should entertain a petition filed under Article 226 of the Constitution and pass interim order ignoring the fact that the petitioner can avail effective alternative remedy by filing application, appeal, revision, etc. and the particular legislation contains a detailed mechanism for redressal of his grievance.”

Faced with this situation, counsel for the petitioners does not press the present writ petitions and prays for liberty to continue with the executing proceedings and to file appropriate applications for enforcement of orders of this Court and the Apex Court.

Accordingly, the present writ petitions stand disposed off with the abovesaid liberty.

MAY 17, 2018
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No