

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

**CWP No.19435 of 2015 (O&M)
Date of Decision:08.05.2018**

Balbir Singh and others	Versus	...Petitioners
State of Punjab and others		...Respondents

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

Present: Mr. D.S. Kahlon, Advocate
for the petitioners.

Mr. Kanisth Ganeriwala, AAG, Punjab.

G.S. SANDHAWALIA, J. (ORAL)

The petitioners seek setting aside of order dated 11.08.2015 (Annexure P-6) which was passed in terms of directions issued on 25.09.2014 (Annexure P-5). Respondent No.3 rejected the claim of the petitioners on the ground that the possession of the land was taken on 09.12.2014 and in compliance of the order dated 25.09.2014 compensation was released on 02.10.2014, resultantly interest from 06.05.2014 i.e. the date of Award till payment was denied. Resultantly, it has been held that no interest is payable to the petitioners under The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'the Act').

On 06.03.2018 following order was passed:

“Counsel for the petitioner shall file affidavit as to whether against the award dated 6.5.2014 (Annexure P-3) any proceedings have been preferred for reference to the appropriate authority/ District Judge for enhancement of compensation. The State counsel

shall also confirm the said fact whether such reference has been received by respondent No.4 and file the status report regarding the same and whether the matter has been referred to the Civil Court/ Competent authority, for adjudication.”

In pursuance of said directions, photocopy of letter No.177 dated 04.05.2018 from the Land Acquisition Collector to the District & Sessions Judge, Pathankot has been placed on record. A perusal of the same would go to show that the references under Section 64 of the Act, have been made of the lands of the petitioners.

In such circumstances, this Court is of the opinion that once the petitioners' references have already been forwarded to the competent authority under the Act, it is always open to them to raise all their pleas before the said authority as to their entitlement of interest.

It is settled principle that once the alternative remedy is available, the writ jurisdiction will not be liable to be invoked. Reference can be made to **United Bank of India Vs. Satyavati Tandon & others 2010 (8) SCC 110** in this context.

Resultantly, the present writ petition is disposed of with the aforesaid liberty.

08.05.2018
pvd

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No