

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

CWP No.14451 of 2018

Date of Decision: 13.11.2018

Rampal & others

...Petitioners

Versus

Union of India and others

...Respondents

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

Present: Mr. Gulshan Nandwani, Advocate, for the petitioners.

G.S. SANDHAWALIA, J. (ORAL)

The present writ petition has been filed under Articles 226/227 of the Constitution of India directing the respondents authorities to disburse the compensation awarded to the petitioners in view of the notification dated 11.04.2011 (Annexure P-1) passed by the respondents authorities. During the course of proceedings, it has spilled out that petitioners No.1 & 10 have filed a suit for declaration and permanent injunction on 31.05.2014, in the Court of Civil Judge (Sr. Divn.), Rewari, in which the following relief was claimed:

“(A). That a decree for declaration that the plaintiffs and proforma defendants are entitled for awarded/compensation amount of their acquired land from the contesting defendants along with interest from the date of acquisition of land till its realization may kindly be passed in favour of plaintiffs and proforma defendants and against the contesting defendants with cost of the suit.

(B). That a decree for permanent injunction to the effect that the contesting defendants may kindly be restrained from taking forcible possession over the suit land of the plaintiffs and proforma defendants fully mentioned in

para No.1 of the plaint may kindly be passed in favour of plaintiffs and proforma defendants.

(C). That a decree for mandatory injunction to the effect that during the pendency of present suit, if the contesting defendants will succeed in taking forcible possession of the suit land mentioned in para No.1 of the plaint from the plaintiffs and proforma defendants in that event the possession of the plaintiffs and proforma defendants may kindly be restored by way of decree of mandatory injunction may kindly be passed in favour of plaintiffs and proforma defendants and against the contesting defendants.

(D). Any other relief which this Hon'ble Court deems fit and proper be also granted in favour of the plaintiffs and proforma defendants and against the contesting defendants.”

Counsel for the petitioners is not in a position to inform this Court regarding the fate of the case.

Once the petitioners have already taken recourse to their legal remedies, this Court is of the opinion that the writ petition, as such, would not be maintainable on the same cause of action.

Faced with this situation, counsel does not press the present writ petition and prays for liberty to take recourse to their legal remedies, as available to the petitioners, in accordance with law.

Ordered accordingly.

13.11.2018
pvd

(G.S. SANDHAWALIA)
JUDGE

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