

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

CWP No. 21680 of 2018
Date of decision: 29.08.2018

Ramesh Kumar and another

....Appellant(s)

Versus

UOI and others

...Respondent(s)

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

Present: Mr. Abhimanyu Batra, Advocate,
for the petitioners.

G.S.SANDHAWALIA, J. (Oral)

The petitioners have filed the petition under Articles 226 and 227 of the Constitution of India seeking the benefit of solatium and other statutory benefits under the Land Acquisition Act, 1894 (in short 'the 1894 Act') for the acquisition which has been done under the National Highways Act, 1956. The claim is on the basis of the judgment of the Division Bench in *M/s. Golden Iron and Steel Forgings vs. UOI and others, 2011 (4) RCR (Civil) 375*.

A perusal of the paper book would go on to show that the award was passed by the competent authority on 30.04.2012 (Annexure P-1) and a sum of Rs.25,00,000/- per acre has been awarded to the petitioners. It is not disputed that the petitioners thereafter approached the Statutory Arbitrator under the 1956 Act and were unsuccessful. In para no. 9, it is pleaded that objection under Section 34 of the Arbitration and Conciliation Act, 1996 (in short 'the 1996 Act') against the award passed by the Arbitrator is pending before the principal Civil Court of original jurisdiction i.e. District Judge, Hisar. The provisions of 1956 Act, under Section 3G(5) and 3G(6) provide that if the amount determined by the competent authority is not acceptable, it can be determined by the Arbitrator appointed by the Central Government and the provisions of 1996 Act would be applicable.

It is, thus, clear that alternative remedy is available to the petitioners to challenge the award of the Arbitrator which they have already

availed and, therefore, they cannot digress as such from the remedy which has already been adopted by them. For the same cause of action, the jurisdiction of two Courts parallelly cannot be invoked.

Faced with this situation, counsel does not press the present petition and prays for liberty to stake his claim before the principal Civil Court of original jurisdiction i.e. the District Judge, Hisar.

Ordered accordingly.

29.08.2018
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No