

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

**CWP No.22528 of 2018
Date of Decision: 13.11.2018**

Shri Bhagwan & another ...Petitioners
Versus
State of Haryana and others ...Respondents

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

Present: Mr. A.K. Sharma, 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 challenging the order dated 20.07.2017 (Annexure P-4), whereby the application filed under Section 28-A of the Land Acquisition Act, 1894 (for short, the 'Act') had been dismissed by respondent No.4, on the ground of limitation, having been filed on 29.03.2016. The said respondent noticed that the award of the Reference Court was pronounced on 15.02.2014 and the period of limitation being 3 months under the Act, under the said provision, the application was dismissed.

On 06.09.2018, it had been put to the counsel as to assist this Court regarding the provisions of Section 28A(3) of the Act on account of the fact that an alternate and efficacious remedy is available to the petitioners, to seek a reference before the Civil Court.

Counsel has submitted that this Writ Court would have jurisdiction and submits that interference should be made by exercising its discretionary powers.

The Apex Court in **United Bank of India Vs. Satyawati Tondon and others, 2010 (8) SCC 110** has specifically held that where an alternate and efficacious remedy is available, the writ jurisdiction is not liable to be exercised.

Section 28A(3) reads as under:

“28A. Re-determination of the amount of compensation on the basis of the award of the Court.

(3) Any person who has not accepted the award under sub-section (2) may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court and the provisions of sections 18 to 28 shall, so far as may be, apply to such reference as they apply to a reference under section 18.”

Keeping in view the above, the present writ petition is disposed of, by relegating the petitioners to their alternate and efficacious remedy, as available to them, in accordance with law.

13.11.2018
pvd

(G.S. SANDHAWALIA)
JUDGE

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