

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

CWP No.23295 of 2018

Date of decision: 13.9.2018

Dharambir Singh and others

...Petitioners

Versus

State of Haryana and others

...Respondents

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

Present: Mr. Rajnish K. Gupta, Advocate for the petitioners.

G.S.SANDHAWALIA, J. (Oral)

The challenge is to the order dated 25.9.2017 (Annexure P/12) whereby respondent no.3 has declined the application of the petitioner whereby he claimed compensation in parity with the judgment of the Apex Court in **Civil Appeal No.2187 of 2013-Subhash Chander and others Vs. State of Haryana and another** decided on 19.2.2013 (Annexure P/2).

The reasoning given by the said respondent is that representation was being decided in view of the earlier direction issued by the Division Bench in Civil Writ Petition No. 3678 of 2015-Dharambir Singh and others Vs. State of Haryana and others vide order dated 8.4.2015 (Annexure P/6).

A perusal of the said order would go on to show that similar relief was sought before this Court also to seek enhancement from what has been granted to the landowners vide order dated 5.10.2007(Annexure P/1) qua the notification of the year 1982 under Section 4 of the Land Acquisition Act, 1894 whereby a sum of ₹ 51.07 per sq. yard had been granted to the petitioners for the land acquired. It is not disputed that the petitioners choose not to agitate further for enhancement before the Apex

Court whereas certain other landowners had got the benefit whereby the market value had been assessed at ₹ 76.21 per sq. yard in **Subhash Chander's case** (supra). The petitioners having failed as such to avail statutory remedy within the limitation prescribed cannot ask for the same relief as granted to other persons who availed their remedy as it would frustrate the whole purpose as such of filing appeals which have provided under the Statute. If the petitioners themselves have not chosen to file appeals and their limitation had expired, they cannot hold any one responsible for having resorted to wrong remedies as noticed above by filing representation and waited to get compensation from the executive side in spite of knowing where their remedy lay.

The present writ petition is also another exercise in futility which seeks to derail the whole system which has been prescribed under the Land Acquisition Act, 1894. The resort to representations being decided and reliefs sought once specific remedy is provided is playing havoc with the system and leading to unnecessarily litigation and wrong orders are being passed by the authorities below who start deciding in an extra judicial manner without jurisdiction without even calling upon the opposite parties whose interests are involved in the matters.

In similar circumstances, a Coordinate Bench in **Civil Writ Petition No.12815 of 2018-Om Parkash Vs, State of Punjab and others** decided on 26.7.2018 has also noticed the burgeoning state of this kind of litigation and affect upon this Court and the authorities below. Relevant observations reads as under:-

“A typical kind of litigation is in spate in this Court for seeking a direction to decide a representation or legal notice. Large number of cases are being filed everyday for

this purpose without referring, either in the petition or even in the representation, to any provision of law on the basis of which the representation can be held to be maintainable. It is well settled that for the purpose of seeking a writ in the nature of mandamus, the petitioner has to show that he has a legal right and the respondent has a correspondent legal duty whereas the representations are being made unmindful of the fact that as to whether the authority to whom the representation is made is actually obliged under any provision of law to decide the same or not. This is also one of such type of cases in which the petitioner is seeking a direction just to decide his representation. He has given facts in the petition referred to the various documents attached as annexures but in the end no provision of law has been mentioned on the basis of which he could claim a right and nothing has been mentioned as to how the authority to whom the said representation has been made is obliged or competent to decide the same. It is high time that these type of petitions, inundating this Court incessantly, should be curtailed because these type of cases or representations not only breed unnecessary litigation, even arising out of stale claims, but also forces an authority, having no jurisdiction under any provision of law, to decide the same under the order of the Court.”

Resultantly, this Court is of the opinion, the present petition is bereft of any merit and the same is accordingly dismissed in limine.

September 13, 2018
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No