

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

-.-

C.W.P No. 27077 of 2018 (O&M)

Date of decision: 22.10.2018

Hukma & Ors.

... Petitioners

Vs.

State of Haryana & Ors.

...Respondents

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

Present: Ms. Anita Balyan, Advocate, for the petitioners.

G.S.SANDHAWALIA, J. (Oral)

The petitioners challenge the impugned order dated 15.05.2018 (Annexure P-5) passed by respondent No.3 on an application filed under Section 28-A(2) of the Land Acquisition Act, 1894. Resultantly while granting the same amount of the compensation to the tune of Rs.32,62,500/- per acre, the Market value was re-assessed. However the interest was denied as per, clause (iv), which reads as under :-

"(iv) No interest shall be payable from the date of receipt of the present application till the date of present award during which the present application remained sub-judice on account of pendency of RFA and SLP"

Section 28(3) of the 1894 Act reads as under:-

"(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."

If the petitioner is, thus, aggrieved against non-grant of interest for the said period, for above said reasons, it is always open to the petitioner to seek a reference to the District Judge, in accordance with law in view the above provisions. It is settled principle that this Court does not interfere where efficacious alternative remedy is available as laid down by the Supreme Court in *United Bank of India Vs. Satyawati Tondon & Ors., (2010) 8 SCC 110.* Resultantly the petitioner is relegated to the alternative remedy before the Reference Court.

October 22, 2018
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(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No