

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.29196 of 2018

Decided on : 19.11.2018

Suresh Kumar & others

... Petitioners

Versus

National Highway Authority of India & others

... Respondents

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

Present : Mr.Abhinav Sood, Advocate, for the petitioners.

G.S. Sandhawal, J. (Oral)

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, is for quashing the awards dated 30.04.2012 (Annexure P-1) and 04.05.2016 (Annexure P-2), passed by respondents No.2 & 3, respectively, under the National Highway Act, 1956. In sum and substance, the benefit of solatium and interest having been denied, same are claimed, in view of the judgment of the Division Bench in *M/s Golden Iron & Steel Forgings Vs. Union of India & others 2011 (4) RCR (Civil) 375.*

It is not disputed that the petitioners themselves have already approached the District Judge against the award of the Arbitrator, which would be clear from Annexure P-3, the objections filed. A further perusal of the claim made in para No.10 would go on to show that the same proceedings are already subject matter before the said Court. Same reads as under:

“10. That the respondents no.3 and 4 has not awarded the additional Market value to the applicants/objectors as per the provision of the Land Acquisition Act such as:- 1. Solatium under section 23(2) of L.A. Act, which is 30% of the market value, 2. Interest under section 28 of the L.A. Act which is 9% or 15% as applicable 3. Additional Market value as provided under section 23(1) of the L.A. Act (12%).”

Thus, once the award dated 04.05.2016 (Annexure P-2) is subject matter of consideration before the Court of competent jurisdiction, in the opinion of this Court, no cause of action is made out to interfere, under the extraordinary writ jurisdiction of this Court. Parties cannot be permitted to take recourse to two forums at the same time. Accordingly, the present writ petition, being not maintainable, is dismissed in limine.

November 19th, 2018
sailesh

(G.S.SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*