

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

CWP-29321-2018

Date of decision: 05.12.2018

Pardeep Kumar

....Petitioner

Versus

State of Haryana & others

...Respondents

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

Present: Mr.Harish Khanna, Advocate, for the petitioner.

G.S. SANDHAWALIA, J. (Oral)

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, is for giving the enhanced amount of compensation to the petitioner in respect to his acquired land, situated in Village Pawala Khusrupur (Gurugram).

Said claim is on the strength of the judgment passed in RFA-4475-2012 titled *Ram Chander & another Vs. State of Haryana & others*, whereby a Co-ordinate Bench of this Court had fixed the market value for the notification dated 25.01.2008 of various villages including the village concerned. It is not disputed that the matter was further taken to the Apex Court and the amount of compensation for Village Pawala Khusrupur fixed at Rs.4,65,52,331/- per acre had been reduced by granted 15%. Resultantly, the amount has been fixed @ Rs.3,95,69,481.35 per acre.

On 20.11.2018, the following order was passed by this Court:

“Counsel prays for time to assist this Court on the issue that once having not availed the remedy under Section 18 and 28-A of the Land Acquisition Act, 1894, how a writ petition would be maintainable to claim the benefits of the enhanced market value as granted by this Court and further modified by a cut of 15% by the Apex Court.

Adjourned to 05.12.2018.”

Counsel could not demonstrate, in any manner, that whether the petitioner had filed a petition under Section 18 of the Land Acquisition Act, 1894, for enhancement of the market value from Rs.16,00,000/- as awarded by the Land Acquisition Collector.

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The Act provides that a person who has not accepted the award of the Collector, may get the matter referred for re-determination by the Court. Section 18(2) provides the limitation within which such an application is to be filed. Similarly, Section 28-A of the Act further provides that after an award has been passed by the Reference Court, landowners who have not availed of their remedy under Section 18, could approach the Collector within a period of 3 months from the date of the award of the Court for re-determination on the basis of the amount of compensation awarded by the Court. Thus, the limitation for seeking remedy, as such, is prescribed by the statute.

In the present case, writ petition has been preferred seeking the benefits of the enhanced compensation, which, in a way, would mean asking for what is barred under the statute. Counsel could not demonstrate as to what is the legal right, as such, on the basis of which a writ of mandamus could be issued for grant of enhanced compensation. In such circumstances, this Court is of the opinion that no such direction could be issued, as prayed for.

At this stage, counsel submits that he wishes to withdraw the present writ petition.

Ordered accordingly.

05.12.2018
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No