

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

**CWP No.2083 of 2019
Date of Decision:25.01.2019**

Kishori LalPetitioner

Versus

State of Punjab and others ...Respondents

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

Present: Mr. R.S. Manhas, Advocate
for the petitioner.

G.S. SANDHAWALIA, J. (ORAL)

Prayer in the present writ petition is for payment of compensation qua structure acquired by the respondents along with interest, as compensation qua land had already been paid to the landowners. The award in question was passed on 08.06.2011 (Annexure P-3) whereby land was acquired and a categorical clause was mentioned that no structure was to be acquired. Relevant portion reads as under:

*“**Structure**: Acquiring department vide their letter No.258 dated 28.01.2011 has informed that from the land acquired no structure will be acquired.”*

Petitioners, on an earlier occasion, had approached this Court for the same set of relief in CWP-20710-2015 titled as **Kishori Lal Vs. State of Punjab and others**, and the Division Bench, vide order dated 28.09.2015 (Annexure P-6) had noticed that the petitioners had sought a reference under Section 18 of the Land Acquisition Act, 1894, claiming enhancement of compensation. Accordingly, liberty was given to claim the payment for the

super-structures before the Reference Court. Relevant portion reads as under:

“Grievance of the petitioner is that since no compensation has been awarded in respect of super structure, therefore, the petitioner cannot claim any compensation in respect of super structure in the reference filed. We do not find any merit in the said argument. Once the petitioner is before the Reference Court, he is not as entitled to claim enhanced compensation but also not granting any compensation for the super structure. The petitioner is at liberty to raise demand for super structure in accordance with law before the Reference Court.

Disposed of.”

After a period of 3 years, legal notice dated 16.10.2018 (Annexure P-7) was served that no reference was pending and the same had not been filed. Resultantly, the present writ petition has been filed on the same cause of action. In such circumstances, this Court is loath to interfere in the second round of litigation.

Faced with this hurdle, counsel does not press the present writ petition and prays for liberty to prefer a review of the order dated 28.09.2015 (Annexure P-6) before the Division Bench.

Ordered accordingly.

25.01.2019
pvd

(G.S. SANDHAWALIA)
JUDGE

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