

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

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**CWP No. 3862 of 2019
Date of Decision: 17.5.2019**

Satish Kumar and others

.....Petitioners

v.

State of Haryana and others

.....Respondents

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

Present:- Mr. Harkesh Manuja, Advocate (in CWP No. 3862 of 2019)
Mr. Mohit Rathee, Advocate (in CWP No. 8942 of 2019)
for the petitioners

G.S. SANDHAWALIA, J. (Oral) :

This order shall dispose of two writ petitions bearing CWPs No. 3862 and 8942 of 2019 since similar questions of law arise in both the writ petitions. The facts have been taken from CWP No. 3862 of 2019.

The challenge in these petitions is to the order dated 11.1.2019 (Annexure P-5), passed by respondent No.2-District Revenue Officer-cum-Land Acquisition Collector, Jhajjar. Vide the said order, the claim under Section 28A of the Land Acquisition Act, 1894, for the compensation @ ₹ 25 lakhs has been declined on the ground that the application was based on the order passed by the Apex Court in SLP No. 8757 of 2016 titled as **Arawali Power Company Pvt. Ltd. v. Joginder Singh Tokash and others**. Reliance has been placed upon the judgment of the Apex Court in **Ramsingbhai (Ramsangbhai) Jerambhai v. The State of Gujarat and another**, decided on 7.12.2018. The Apex Court in the said case had framed the question of law for determination under Section 28A of the Act, that the judgment of the High Court or the Supreme Court could not give the

cause of action as the provision provided that benefit could only be given in respect of the award passed by the Court in Part-III of the Act. The Appellate Court and the Apex Court were not held to be within the purview of Section 28A of the Act and therefore, it was held that land owners are not entitled to any relief in terms of Section 28A of the Act.

Thus, keeping in view the fact that the matter has been settled by the Three Judges Bench of the Apex Court, the order which is under challenge as such cannot be faulted in any manner.

Faced with this situation, counsel submit that being co-sharers, they would have a right to file execution proceedings on the strength of the fact higher amount has been awarded to the other co-sharers granted by the Apex Court and therefore, liberty as such be granted to approach the Executing Court for the said benefit.

Reliance is placed upon the judgments in '**A. Vishwanath Pillai v. Special Tehsildar of Land Acquisition**, 1991 (4) SCC 17', '**Smt. Parwati v. State of Haryana**, 2009 (5) RCR (Civil) 572' and '**Parkasho v. State of Punjab**, 2010 (2) Law Herald 1676', to this effect.

Keeping in view the above, the present writ petitions are disposed of since the order impugned does not warrant any interference. Liberty is granted to the land owners to agitate their grievances in accordance with the above settled proposition of law.

A photocopy of this order be placed on the file of the connected case.

(G.S. SANDHAWALIA)
JUDGE

17.5.2019

Ashwani