

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

Civil Writ Petition No.11507 of 2019

Lakhi Ram

... Petitioner

Versus

State of Haryana and others

... Respondents

(2)

Civil Writ Petition No.12735 of 2019

Pushpa Dhanuka and others

... Petitioner

Versus

State of Haryana and others

... Respondents

Decided on : 30.05.2019

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

Present : Mr. Sandeep Sharma, Advocate
for the petitioners.

Mr. Shivendra Swaroop, AAG, Haryana
for respondents No.1 & 2.

Mr. Arvind Seth, Advocate
for respondent No.3.

G.S. Sandhawalia, J. (Oral)

The present order shall dispose of two writ petitions i.e.

CWP Nos.11507 and 12735 of 2019.

Written statement filed on behalf of respondents No.1 & 2 in both petitions, are taken on record. Office to append the same at the appropriate place.

Challenge in the present writ petitions filed under Article 226/227 of the Constitution of India is to the award passed by respondent

No.2 dated 12.02.2015/10.06.2015 under Section 28-A of the Land Acquisition Act, 1894 (for short 'the Act'). Vide the said awards the Reference Court for the land falling in village Sihi, Tehsil & District Gurgaon, which was acquired vide notification dated 25.01.2008 issued under Section 4 of the Act had enhanced the compensation to ₹1,51,71,800/- per acre from ₹60 lakhs as granted by the Land Acquisition Collector. The applications have been decided during the pendency of the regular first appeals before this Court.

This Court in **RFA No.4475 of 2012 'Ram Chander and another Vs. State of Haryana and others'** and other connected cases decided on 20.05.2016 subsequently had enhanced the compensation to ₹5,09,26,672/- per acre (Annexure P-6). It is a matter of record that in **Civil Appeal Nos.11814-11864 of 2017 'State of Haryana and others Vs. Ram Chander and another'** decided on **05.09.2017** (Annexure P-7), the amounts have been reduced by 15%. Resultantly, the amount of market value for village Sihi works out @ ₹4,32,87,672/- per acre.

The matter is squarely covered by the judgment of this Court passed in **CWP No.3805 of 2018 'Sunder Lal and others Vs. State of Haryana and others'** and other connected cases decided on 14.03.2019 (Annexure P-8).

The objection raised by the State as such that there was an alternative remedy available against the orders passed and the matters had to be referred to the District Judge as such within the prescribed period

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would not detain this Court, keeping in view the fact that the issue of alternative remedy has been rejected in the abovesaid case.

It has been time and again held by this Court in view of the judgment of the Apex Court passed in '**A. Viswanatha Pillai And others Vs. Special Tahsildar For Land Acquisition and others**', 1991 (4) SCC 17 and '**Narendra and others Vs. State of U.P and others**' 2017 (9) SCC 426 that the landowners are entitled for the same amount of compensation when the notification is common. Therefore, in view of the principle of eminent domain, the State cannot object to such technicalities. Even otherwise once the petitioner can get the amount from the Executing Court being co-owner, the writ jurisdiction is liable to be exercised in such cases. The Land Acquisition Collector was totally remiss in deciding the applications, once the matters were pending before this Court, in view of the settled law in '**Babua Ram and others Vs. State of U.P. and another**, 1995 (2) SCC 698, '**Union of India Vs. Pardeep Kumari**, 1995 (2) SCC 736 and '**Bharatsingh Vs. The State of Maharashtra and others**', (2018) 11 SCC 92.

Resultantly, the writ petitions are allowed in the same terms as in **Sunder Lal (supra)**.

MAY 30, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No