

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

Civil Writ Petition No.11739 of 2019

Sunil Kumar and others

... Petitioners

Versus

State of Haryana and others

... Respondents

(2)

Civil Writ Petition No.11544 of 2019

Rampal and others

... Petitioners

Versus

State of Haryana and others

... Respondents

(3)

Civil Writ Petition No.11566 of 2019

Satish and another

... Petitioners

Versus

State of Haryana and others

... Respondents

(4)

Civil Writ Petition No.11604 of 2019

Ramotar

... Petitioners

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.

CWP Nos.11739, 11544, 11566 and 11604 of 2019

G.S. Sandhawalia, J. (Oral)

The present order shall dispose of four writ petitions i.e. CWP Nos.11739, 11544, 11566 and 11604 of 2019.

Written statement filed on behalf of respondents No.1 & 2 in all four 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 by the landowners is to the order dated 02.11.2017 (Annexure P-1), whereby the Land Acquisition Collector-respondent No.2 has partly allowed the applications under Section 28-A of the Land Acquisition Act, 1894 (for short 'the Act') for the land falling in village Badha, Tehsil & District Gurgaon and fixed the market value @ ₹1,81,01,217/- per acre by enhancing it from ₹60 lakhs per acre as awarded earlier. The same was on the basis of the judgment passed in **LA Case No.175 of 2012 'Fakira Singh Vs. State of Haryana and another'** decided on 28.02.2014 (Annexure P-2).

Counsel has submitted that the appeals were pending before this Court and were only decided on 27.05.2016 pertaining to the notification in question and the amounts were, thus, enhanced to ₹3,75,70,419/- per acre in **'Pushpender Kumar and others Vs. State of Haryana and another'** (Annexure P-3). It is further pointed out that in **Civil Appeal Nos.11913-11945 of 2017 'State of Haryana and another Vs. Pushpendra Kumar and others'** the amount has been reduced by 15% on 05.09.2017 (Annexure P-4) by the Apex Court. Thus, the

effective amount of compensation for village Badha is ₹3,19,34,857/- per acre.

The question of law has already been settled 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-6) and, thus, objection raised that an alternative remedy was available is not tenable. The relevant portion reads as under:-

“Merely because there is an alternative remedy as such would not stand in the way of the petitioners, as it is settled principle that the writ Court can exercise its jurisdiction where it feels appropriate to reach out and grant the benefit of relief. It would be a futile exercise to refer the matter to the reference Court, which would be bound by the order of the Apex Court and to curtail unnecessary litigation and delay, the petitioner can be granted the same amount as the litigation qua the fixation of market value has been fixed. Accordingly, no ground is made out to send the matter to the reference Court, the prayer of the State to that extent stands declined.

In such circumstances, the order, as such, of respondent No.2 cannot be held to be justified. Accordingly, the same is quashed. The petitioners are, accordingly, entitled for the same amount of compensation as has been awarded by the Apex Court.

Petitions stand allowed.”

Keeping in view the above the order passed by the Land Acquisition Collector is patently illegal, against the settled proposition of law laid down in **'Babua Ram and others Vs. State of U.P. and another, 1995 (2) SCC 698** and **'Bharatsingh Vs. The State of**

CWP Nos.11739, 11544, 11566 and 11604 of 2019

Maharashtra and others', (2018) 11 SCC 92. The landowners have been forced to litigate and, therefore, the limitation would not come in the way, keeping in view the judgment of the Apex Court 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 all land-losers are entitled for the same market value.

Resultantly, directions are issued to pay the abovesaid amount of compensation @ ₹3,19,34,857/- per acre alongwith statutory benefits within a period of three months from the receipt of a certified copy of this order.

The writ petitions are allowed, accordingly.

MAY 30, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No