

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.14286 of 2019
Date of Decision: 18.07.2019

Harpal Singh

... Petitioner

VS.

State of Punjab & Ors.

... Respondents

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

Present: None

G.S. SANDHAWALIA, J. (Oral)

Case called twice. None is present on behalf of the petitioner.

This writ petition filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of mandamus directing the official respondents to pay compensation by taking into account the nature of acquired property of the petitioner, loss suffered, construction costs of the shop so demolished as well as the parking area by taking proper measurement.

In similar circumstances, the writ petitioners in **CWP No.14237 of 2019 Pritam Singh vs. State of Punjab & Ors.** decided on 17.07.2019 have been relegated to avail the remedy to approach statutory arbitrator for the said relief. The relevant portion of the said judgment reads as under:-

“The dispute as noticed above is qua the quantum of compensation and nature of property whether it is commercial or residential and the area which has been taken into possession. These facts are all disputed questions as such and the matter cannot be agitated in writ Court at the first instance which is as per settled principle. Even otherwise under Section 3G(5) of the National Highways Act, if the amount determined is not acceptable by the parties, the amount shall be determined by the arbitrator to be appointed by the Central Government. There is further provision that under Sub-Section (6) of the Act,

which would give remedy to approach the District Judge also. Section 3G(5) and (6) reads as under:-

“(5) If the amount determined by the competent authority under sub-section (1) or sub-section (2) is not acceptable to either of the parties, the amount shall, on an application by either of the parties, be determined by the arbitrator to be appointed by the Central Government.

(6) Subject to the provisions of this Act, the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) shall apply to every arbitration under this Act.”

*It is, thus, apparent that petitioner has an alternative remedy, as such for redressal of his grievance. It is settled principle of law that the writ Court would not exercise its jurisdiction once there is alternative and efficacious remedy available. Reliance can be made to the judgment of the Apex Court in **United Bank of India vs. Satyawati Tondon and others, (2010) 8 SCC 110.***

Faced with this situation, counsel for the petitioner does not press the present writ petitions and thus, prays for liberty to approach the statutory Arbitrator for the relief claimed on behalf of the petitioner.

Accordingly, all the afore-mentioned four writ petitions are disposed of as not pressed, with the aforesaid liberty to the petitioner(s) in accordance with law.”

The present writ petition is also disposed of in same terms as reproduced above.

18.07.2019

vvishal

**(G.S. Sandhawalia)
Judge**

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No