

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

CWP-15386-2019

Date of decision: 30.05.2019

Rishi Pal Solanki & others

...Petitioners

Versus

State of Haryana & others

...Respondents

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

Present: Mr.Eklavya Gupta, Advocate, for the petitioners.

G.S. SANDHAWALIA, J. (Oral)

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, is for issuance of direction to the respondents to re-calculate and award equivalent amount of compensation as awarded to the other similarly situated landowners in terms of the judgment and order dated 06.11.2015 passed in RFA-3787-2009 titled *Gaje Singh & others Vs. State of Haryana*, on the ground that the same arise out of the same acquisition proceedings, whereby the market value has been fixed as under:

“32. To sum, the landowners are held entitled to compensation as under:

(i) For the land acquired for development as

Sectors 16, 18 and 18-A

₹ 18,30,000/- per acre

upto the depth of two acres from main road

₹ 13,70,000/- per acre for rest of the land.

(ii) For the land acquired for development as Sector 17

₹ 14,60,000/- per acre

upto the depth of two acres from main road &

₹ 11,00,000/- per acre for rest of the land.

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33. The appeals filed by the landowners are allowed in the manner indicated above, whereas the appeals filed by HSIIDC are dismissed.”

It is not disputed that against the award of the Reference Court, Jhajjar dated 24.03.2009 (Annexure P-1), petitioners had filed a time-barred appeal before this Court, which was dismissed on 29.07.2011 (Annexure P-3). The said order was upheld by the Apex Court on 08.10.2012 in SLP (Civil) No(s).30361/2011 (Annexure P-4). In such circumstances, the directions sought are not maintainable as there is no legal right, as such, for issuance of a writ of mandamus. More so, especially when the petitioners have lost out on their statutory right of enhancement uptill the Apex Court. Thus, no directions can be issued to the Land Acquisition Collector for deciding the application dated 28.02.2016 (Annexure P-6) as the writ jurisdiction cannot be invoked for circumventing the procedure prescribed.

Faced with this situation, counsel submits that being co-sharers, they would have a right to file execution proceedings on the strength of the fact that 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 can be placed upon the judgments in **A.Vishwanath Pillai Vs. Special Tehsildar of Land Acquisition 1991 (4) SCC 17**, **Smt.Parwati Vs. State of Haryana 2009 (5) RCR (Civil) 572** and **Parkasho Vs. State of Punjab 2010 (2) Law Herald 1676**, to this effect.

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Keeping in view the above, the present writ petition is disposed of. Liberty is granted to the landowners to agitate for their grievances in accordance with the above settled proposition of law.

30.05.2019

Sailesh

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No