

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

CWP-16193-2019

Date of decision : 16.07.2019

Aravali Power Co. (P) Ltd.

.... Petitioner

Versus

District Revenue Officer-cum-LAC, Jhajjar & ors. ... Respondents

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

Present: Mr. Vikas P. Singh, Advocate
for the petitioner.

G.S. SANDHAWALIA, J (ORAL)

Petitioner has filed this petition under Article 226 of the Constitution of India challenging the order dated 12.02.2019 (Annexure P-7) passed under Section 28A of the Land Acquisition Act, 1984 whereby respondent No.1 has granted the same amount of compensation alongwith all statutory benefits as held out by the Apex Court in **Civil Appeal No.8757 of 2016, Aravali Power Plant vs. Jogender Singh Tokas and ors.** decided on 05.09.2017. The land owners filed their application on 24.01.2014 keeping in view the award of the Reference Court dated 28.11.2013 regarding the notification dated 16.01.2007 issued under Section 4 of the Act. In the meantime, a Coordinate Bench of this Court in ***RFA No.266 of 2012, Joginder Singh Tokash vs. State of Haryana and others*** decided on 04.02.2016 had enhanced the compensation to ₹29,00,400/-. As noticed, the Apex Court has modified the said order and fixed an amount of ₹25 lakhs as a market value for the acquisition in question plus statutory benefits.

In similar circumstances, the orders had also been challenged by the petitioner by filing 16 petitions on an earlier occasion and the writ petitions were dismissed on 05.12.2018. The lead case being a ***Civil Writ Petition No.27712 of 2018, “Aravali Power Co. (P) Ltd. vs. District Revenue Officer-cum-Land Acquisition Collector, Jhajjar & ors.*** In the said cases, the issue was that the order of the Reference Court had to be there on merits under Section 18, if the land owners had to be non suited. Resultantly, while relying upon the judgment of the Apex Court in '**Narendra & others vs. State of Uttar Pradesh & others**' (2017) 9 SCC 426, it was held that the land owners have to be granted the benefit of the market value at the grass route level rather than approaching various forums to get the same amount of compensation. The said approach of the respondent cannot be faulted, granting compensation at par with other land owners.

Accordingly, there is no merit in the present writ petition and the same is hereby dismissed in limine.

(G.S. SANDHAWALIA)
JUDGE

16.07.2019

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No