

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

Sailesh Ranjan
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CWP-23654-2018

Date of decision: 15.01.2019

Sushila & another

....Petitioners

Versus

Union of India & others

...Respondents

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

Present: Mr.Balraj Gujjar, Advocate, for the petitioners.

G.S. SANDHAWALIA, J. (Oral)

Petitioners claim payment of solatium and interest, in view of the judgment of the Division Bench in **M/s Golden Iron & Steel Forging Vs. Union of India & others 2011 (4) RCR (Civil) 375**. The award was passed by the competent authority on 30.04.2012 (Annexure P-1) whereby a sum of Rs.25,00,000/- had been awarded as the market value.

A perusal of the writ petition itself would go on to show that the petitioners have filed objections before the Addl.District Judge, Principal Civil Court, Hisar, which is still pending adjudication. Said para reads as under:

“4. Thereafter, the petitioners filed the application/objections under section 34 of the Arbitration and conciliation Act before the Ld. Addl. District Judge, Principal Civil Court, Hisar, which are still pending adjudication.”

Counsel for the petitioners has vehemently argued that in similar circumstances, directions had been issued to dispose of the representation, in a similar set of cases, to certain landowners and the respondents, have passed a supplementary award on 03.07.2018.

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Counsel could not point out that in those set of cases, the landowners, as such, had preferred to file objections under Section 34, before the Principal Civil Court, whereas in the present case, the petitioners have already availed their alternative and efficacious remedy. Once that is so, it would not lie in the mouth of the petitioners to come to this Court and seek the same relief on the same cause of action, in view of the settled principle that a extraordinary remedy is provided to the writ Court. Once the petitioners had already opted for their remedy, as provided under the National Highways Act, 1956, this Court does not feel that the present case is a fit one to entertain, under the extraordinary writ jurisdiction, in the present facts and circumstances.

Accordingly, in view of the above discussion, the present writ petition is dismissed in limine. Needless to say that the petitioners would be at liberty to press their remedy in the application filed under Section 34 before the Addl.District Judge, Principal Civil Court, Hisar, in view of the judgment of the Division Bench in **M/s Golden Iron & Steel Forging** (supra).

15.01.2019

Sailesh

(G.S. SANDHAWALIA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No