

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

**CWP No.30311 of 2018
Date of Decision:10.01.2019**

Kewal SinghPetitioner

Versus

Union of India and another ...Respondents

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

Present: Mr. Balbir Singh Jaswal, Advocate
for the petitioner.

G.S. SANDHAWALIA, J. (ORAL)

The challenge in the present writ petition filed under Articles 226/227 of the Constitution of India is for quashing of the supplementary award dated 20.06.2018 (Annexure P-5) passed by Competent Authority-respondent No.2 whereby an additional amount of Rs.61,061/- has been granted to the petitioner.

Counsel for the petitioner submits that in view of the alternative remedy available under Section 10(2) of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, (for short 'the Act'), the petitioner would have the right to approach the District Judge aggrieved by the amount of compensation which has been determined by the Competent Authority. Sub-Section (2) of Section 10 of the Act reads as under:-

“10(2). If the amount of compensation determined by the competent authority under sub- section (1) is not acceptable to either of the parties, the amount of compensation shall, on application by either of the parties to the District Judge within the limits of whose jurisdiction the land or any part thereof is

situated, be determined by that District Judge.”

In view of the alternative remedy available to the petitioner, this Court is of the opinion that in the light of the law laid down in **United Bank of India vs. Satyawati Tandon & Ors. (2010) 8 SCC 110** whereby the Apex Court has held that the writ jurisdiction is not to be exercised where the parties have an alternative and efficacious remedy as it is a discretionary power, the prayer made by the counsel to withdraw the writ petition is genuine. The relevant portion reads as under:-

“30. The Court while exercising its jurisdiction under Article 226 is duty-bound to consider whether:

(a) adjudication of writ petition involves any complex and disputed questions of facts and whether they can be satisfactorily resolved;

(b) the petition reveals all material facts;

(c) the petitioner has any alternative or effective remedy for the resolution of the dispute;

(d) person invoking the jurisdiction is guilty of unexplained delay and laches;

(e) ex facie barred by any laws of limitation;

(f) grant of relief is against public policy or barred by any valid law; and host of other factors.

The Court in appropriate cases in its discretion may direct the State or its instrumentalities as the case may be to file proper affidavits placing all the relevant facts truly and accurately for the consideration of the Court and particularly in cases where public revenue and public interest are involved. Such directions are always required to be complied with by the State. No relief could be granted in a public law remedy as a matter of course only on the ground that the State did not file its counter-affidavit

opposing the writ petition. Further, empty and self-defeating affidavits or statements of Government spokesmen by themselves do not form basis to grant any relief to a person in a public law remedy to which he is not otherwise entitled to in law."

Accordingly, the present writ petition is dismissed as withdrawn with liberty to avail the alternative remedy to approach the competent authority as provided under the statute.

10.01.2019
pvd

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No