

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

CWP No. 36079 of 2019
Date of decision: 16.12.2019

Ishwar Singh

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present: Mr. Anil Kumar Rana, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner, in a petition filed under Articles 226 and 227 of the Constitution of India, claims issuance of direction to the respondents to grant similar enhanced compensation as passed by this Court in ***RFA No. 2067 of 2014, HSIDC and another vs. Bijay Singh and others*** on 02.05.2018 (Annexure P-5). Vide the said judgment, the market value of the land was assessed at Rs.72,00,000/- per acre for the notification dated 24.11.2006 issued under Section 4 of the Land Acquisition Act, 1894 (in short 'the Act) for the land falling in village Bas Khusla, Tehsil and District Gurgaon. It is further pointed out that vide order passed in ***RFA No. 5347 of 2017, Bhim Singh and others vs. State of Haryana and others*** (Annexure P-6), the co-sharer of the petitioner had also been granted the same relief.

It is not disputed that the petitioner, on an earlier occasion, had filed an execution petition before the Executing Court to the extent of being a co-sharer though he had not filed any petition under Section 18 of the Act. The said execution petition was disposed of having been compromised in

the Lok Adalat on 14.03.2015 (Annexure P-4) and the petitioner was granted the benefit of the same amount of compensation as granted by the Reference Court at that point of time i.e. Rs.58,34,400/-.

In view of the alternative remedy which is available to the petitioner and in view of the fact that on an earlier occasion also, he had approached the Executing Court, this Court is of the opinion that the jurisdiction of the writ Court is not liable to be exercised in view of the settled principle of law in ***United Bank of India vs. Satyawati Tondon and others 2010 (8) SCC 110.***

Faced with this situation, counsel submits that he does not press the present petition and he may be given liberty to approach the Executing Court for the second time for the above relief in view of the changed circumstances.

Ordered accordingly.

16.12.2019
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No