

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 2944 of 2020
Date of decision : 04.02.2020

Azad Singh

..... Petitioner

versus

State of Haryana and others

..... Respondents

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

Present: Mr.Ved Parkash, Advocate for the petitioner.

G.S.SANDHAWALIA,J.(ORAL)

The present writ petition has been filed under Article 226/227 of the Constitution of India for quashing of order dated 13.08.2012 (Annexure P-1) and the order dated 19.04.2019 (Annexure P-4) passed by respondent No.3 whereby certain sum of amounts to the tune of Rs. 14,58,548/- are sought to be demanded along with interest by the Land Acquisition Collector, HUDA, Hisar failing which the amounts shall be deducted from the amount which was enhanced and payment of which was pending with the said respondent.

Counsel for the petitioner has vainly tried to convince this Court that the amount had been received on the basis of affidavit given by his brother Balwan Singh and the suit filed by Balwan Singh had also been dismissed on 10.12.2014 (Annexure P-2) by the Civil Judge (Junior Division), Safidon. The stand of the respondents was that the amount had been given on account of the

affidavit of Balwan Singh and other co-sharers.

It is not disputed that in RFA No. 4403 of 2014 and the review filed in the said case which was decided on 19.12.2018, the market value which was payable to the petitioner had been enhanced in view of the judgment of the Apex Court in **CA No. 2846 of 2017 Bijender and others vs. State of Haryana and another**, to the tune of Rs. 45 lakhs per acre for one chunk and Rs. 35 lakhs for the other chunk.

In case the petitioner is aggrieved against the non-payment of the amounts as per the decision in appeal and certain amounts which are sought to be adjusted, it is always open for him to execute the said judgment before the Executing Court. The amount which is being sought to be adjusted by the respondent-Land Acquisition Collector whether justifiable or not as argued herein can always be taken note of by the Executing Court also.

It is settled principle that where there is an alternate efficacious remedy, the extra ordinary writ jurisdiction of this Court is not to be exercised. Reliance can be made to the judgment of the Apex Court in **United Bank of India vs. Satyawati Tondon and others, (2010) 8 SCC 110**.

Keeping in view the above, the present writ petition is disposed of with the aforesaid liberty.

(G.S.SANDHAWALIA)
JUDGE

04.02.2020
sunita

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No