

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

**Civil Writ Petition No.31919 of 2019
Decided on : 10.01.2020**

Smt. Taro and others

... Petitioners

Versus

State of Punjab and others

... Respondents

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

Present : Mr. V.P. Singh, Advocate
for the petitioners.

G.S. Sandhawalia, J. (Oral)

In the present writ petition filed under Articles 226/227 of the Constitution of India, the petitioners seek directions to the respondent-authorities to decide the petition (Annexure P-8) filed under Section 28A of the Land Acquisition Act, 1894 (for short 'the Act') and grant compensation @ ₹2,81,400/- per acre alongwith statutory benefits as determined by the Apex Court in **Civil Appeal No.5837-5855 of 2017 'Teja Ram and others Vs. The State of Punjab and others'**, decided on 21.11.2017.

After arguing for sometime counsel does not press the present writ petition, as apparently it has come on record that the petitioners/predecessor-in-interest had also filed a petition under Section 18 of the Act and, therefore, on the plain reading of Section 28A of the Act, application under the said section would not be maintainable. It is also apparent that the petition has been filed after the decision by the Apex Court, whereby the market value has been assessed ₹2,81,400/- per acre and, therefore, an application under Section 28A filed on the strength of the

Civil Writ Petition No.31919 of 2019

decision of the Apex Court would not be maintainable, in view of the law laid down by the Apex Court in **Ramsingbhai (Ramsangbhai) Jerambhai Vs. State of Gujarat & another 2018 (3) RCR (Civil) 114.**

Faced with this situation, counsel submits that the petitioners even have not taken the amount which has been awarded by the Reference Court, which had enhanced the same to ₹1,70,000/- from ₹1,45,000/- per acre, as awarded by the Land Acquisition Collector. In such circumstances, he wishes to withdraw the present writ petition and to approach the Executing Court to get the benefit of compensation which has now been awarded, specially keeping in view the law laid down by the Apex Court **A.Viswanatha Pillai Vs. Special Tahsildar for Land Acquisition 1991 (4) SCC 17, Smt. Parawati and another Vs. State of Haryana 2009 (5) RCR (Civil) 572 and Parkasho Vs. State of Punjab 2011 (5) RCR (Civil) 493.**

Disposed off accordingly.

(G.S. SANDHAWALIA)
JUDGE

JANUARY 10, 2020
Naveen

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No