

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 36506 of 2019
Date of decision: 17.01.2020

SomwatiPetitioner(s)
Versus

State of Haryana and others ...Respondent(s)

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

Present: Mr. Ashok Tyagi, Advocate, for the petitioner.
G.S.SANDHAWALIA, J. (Oral)

Challenge in the present writ petition is to the order dated 14.03.2015 (Annexure P-2) passed by the Additional District Judge, Gurgaon while exercising the powers of the Lok Adalat Bench. Resultantly, the petitioner, who was a co-sharer in the same *khewat*, had been granted the benefit of the enhanced compensation of Rs.1,43,91,000/- per acre as quantified by the Reference Court on 25.01.2013. It is contended that in RFA No. 2573 of 2013, Hem Chander and others vs. State of Haryana and others decided on 01.11.2019, the award of the Reference Court had been modified at the instance of other land owners who had filed Regular First Appeals and the market value has been enhanced to Rs.2,97,35,640/- per acre. It is not disputed that on an earlier occasion, the amount has been awarded by approaching the Executing Court.

It is always open to the petitioner to again file an execution application for the benefit of the enhanced amount on the same principle. It is settled principle that if there is an alternative and efficacious remedy available, the writ jurisdiction will not be exercised in view of ***United Bank of India vs. Satyawati Tondon and others 2010 (8) SCC 110.***

Faced with this situation, counsel does not press the present petition and prays for liberty to approach the Executing Court for the above said relief.

Ordered accordingly.

17.01.2020
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No