

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

**CWP-21485-2020(O&M)
Date of decision:25.01.2021**

HARYANA SHEHRI VIKAS PRADHIKARAN

.....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Sanjeev Majra, Advocate for the petitioner

ANIL KSHETARPAL, J.

This writ petition under Article 226/227 of the Constitution of India has been filed praying for issuance of a writ in the nature of Certiorari for quashing order Annexure P-4 passed by the Land Acquisition Collector on 02.12.2016 under Section 28-A of the Land Acquisition Act, 1894. Apart from delay of four years, the petitioner has an equally efficacious alternative remedy of seeking reference under Section 28-A (3) of the Land Acquisition Act, 1894. Section 28 A of the Land Acquisition Act, 1894, is extracted as under:-

“(1) Where in an award under this Part, the Court allows to the applicant any amount of compensation in excess of the amount awarded by the Collector under section 11, the persons interested in all the other land covered by the same notification under section 4, sub-section (1) and who are also aggrieved by the award of the Collector may, notwithstanding that they had not made an application to the Collector under section 18, by written application to the Collector within three months from the date of the award of the Court require that the

amount of compensation payable to them may be re-determined on the basis of the amount of compensation awarded by the Court: Provided that in computing the period of three months within which an application to the Collector shall be made under this sub-section, the day on which the award was pronounced and the time requisite for obtaining a copy of the award shall be excluded.

(2)The Collector shall, on receipt of an application under sub-section (1), conduct an inquiry after giving notice to all the persons interested and giving them a reasonable opportunity of being heard, and make an award determining the amount of compensation payable to the applicants.

(3)Any person who has not accepted the award under sub-section (2) may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court and the provisions of sections 18 to 28 shall, so far as may be, apply to such reference as they apply to a reference under section 18.”

Keeping in view the aforesaid facts, the petitioner is relegated to the alternative remedy.

Disposed of.

25.01.2021

rekha

Whether speaking/reasoned

Whether Reportable

Yes /No

Yes / No

(ANIL KSHETARPAL)
JUDGE