

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

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**CWP-7391-2022
Date of Order: 08.04.2022**

M/S UNITECH LIMITED

..Petitioner

Versus

STATE OF PUNJAB AND ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Siddharth Batra, Advocate
Mr. Abhinav Sood, Advocate
Mr. Nitesh Jhanjhria, Advocate
Mr. Anmol Gupta, Advocate
for the petitioner.

Mr. Nikhil Chopra, Addl. A.G., Punjab.

ANIL KSHETARPAL, J(Oral)

This Bench has heard the learned counsel representing the petitioner.

In substance, the petitioner prays for setting aside the award dated 29.10.2016, passed by the Additional District Judge, while deciding various reference applications filed under Section 30 and 18 of the Land Acquisition Act, 1894. The petitioner alleges to be beneficiary of the acquisition. The learned counsel representing the petitioner contends that since the acquisition was for the benefit of the petitioner-Company, therefore, the petitioner was a necessary party.

He further contends that unless the award is set aside and the petitioner is granted an opportunity to lead evidence, he would not be able to get any substantive relief.

Section 54 of the Land Acquisition Act, 1894, provides for filing of a statutory appeal to challenge the correctness of the award passed by the Reference Court.

Section 54 of the Land Acquisition Act, 1894, reads as under:-

“54. Appeals in proceedings before Court. - Subject to the provisions of the Code of Civil Procedure, 1908 (5 of 1908), applicable to appeals from original decrees, and notwithstanding anything to the contrary in any enactment for the time being in force, an appeal shall only lie in any proceedings under this Act to the High Court from the award, or from any part of the award, of the Court and from any decree of the High Court passed on such appeal as aforesaid an appeal shall lie to the Supreme Court subject to the provisions contained in section 110 of the Code of Civil Procedure, 1908, and in Order XLV thereof.”

Even if the petitioner is not a party to the award passed by the Reference court, still, he can always file an application for leave to appeal along with the application for condonation of delay. The Appellate Court also has a power to set aside the award in entirety and remit the matter back to the Reference Court. It is also not in dispute that a regular first appeal filed by the Gram Panchayat is already pending before the High Court.

Keeping in view the aforesaid facts, this Court is not inclined to entertain a writ petition in exercise of its extra ordinary jurisdiction particularly when the petitioner has an effective alternative statutory remedy.

With all these observations, the writ petition is disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

April 08th, 2022

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*