

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

CWP-11972-2022 (O&M)

Date of decision: 30.05.2022

Bijender Singh

....Petitioner

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: None for the petitioner
 Mr. J.S.Pannu, AAG, Haryana

ANIL KSHETARPAL, J (Oral)

Case has been called out twice. Learned counsel representing the petitioner did not come forward to press the petition. This Court has gone through the paper book. The petitioner prays for issuance of a writ in the nature of Mandamus to direct the State of Haryana to pay the same amount of compensation, as has been assessed by the High Court in **Nafe Singh (deceased) through LRs and others versus State of Haryana and others, RFA 1625 of 2016**, decided on 10th November, 2021. From the reading of the petition, it is evident that the petitioner did not avail the remedy of assessment of compensation by the court by filing an application under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the 1894 Act'). He applied under Section 28-A of the 1894 Act, for awarding the same amount as assessed by the Reference Court. His application was allowed on 18th September, 2017 holding him entitled to compensation at the rate of Rs. 24,50,000/- per acre. The petitioner did not file an application under Section 28A (3) of the 1894 Act which entitles filing of an

application to the Land Acquisition Collector with a request to refer the matter with respect to assessment of the compensation to the court if one is not satisfied with the amount assessed by the Land Acquisition Collector while deciding application under Section 28-A of the 1894 act. The petitioner after having failed to apply under Section 28A (3) of the 1894 act has filed the present petition. The 1894 Act is a complete Code which grants two opportunities to the landowners who claim assessment from the Court. The first opportunity is under Section 18 whereas second remedy is under Section 28A of the 1894 Act. The petitioner did not avail the opportunity under Section 18 of the 1894 act. He did avail opportunity under Section 28A as well but thereafter felt satisfied with the amount assessed. Hence, the writ petition after a period of nearly 5 years is misconceived.

Keeping in view the aforesaid facts, no ground to issue the writ, as prayed for, is made out.

Hence, dismissed.

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

30.05.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE