

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

**104**

**CWP-20897-2021(O&M)  
Date of decision:22.02.2022**

**AMRIK SINGH WALIA THROUGH HIS SPA PREM NATH  
VASHISHTHA**

**...Petitioner**

**Versus**

**STATE OF HARYANA AND OTHERS**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**Present: Mr. Surender Saini, Advocate, for the petitioner.  
Mr. Samarth Sagar, Additional Advocate General, Haryana**

**ANIL KSHETARPAL, J (Oral)**

The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

The petitioner prays for issuance of a writ in the nature of certiorari to quash the order passed by the Land Acquisition Collector, Gurugram, on 20.03.2020, while disposing of the petitioner's application for recovery of the amount of compensation to the petitioner after recovering it from Sh. Sombir.

The Land Acquisition Collector vide an award no.5 dated 06.06.2016, acquired the land. The amount of compensation was paid to Sh. Sombir on 20.06.2016. The civil suit filed by the petitioner along with his brother for cancelling the sale deed executed in favour of Sh. Sombir was decreed on 22.04.2014. The aforesaid judgment was upheld in first and the second appeal as well as in the review application. The petitioner applied for referring the matter to the Court under Section 64 of the Land

Acquisition Act, 2013, on 17.01.2019. Thereafter, he filed an application on 18.04.2019 to the Land Acquisition Collector to release the amount.

As already noticed, the Land Acquisition Collector has disposed of the application while observing that the amount has already been paid to Sh. Sombir on 20.06.2016, therefore, the petitioner, if so advised, may file a civil suit.

The learned counsel representing the petitioner contends that the petitioner is entitled to the amount and since the Civil Court has already declared the petitioner to be the owner, therefore, the Land Acquisition Collector is required to recover the amount from Sh. Sombir and pay to the petitioner.

This Court has considered the submission.

In view of civil litigation, Sh. Sombir without disclosing these facts, has already received the compensation. The attention of the Court has not been drawn to any specific provision providing for recovery of the amount from the previous person and payment to another.

In these circumstances, the Land Acquisition Collector has correctly disposed of the application while permitting the petitioner to file a civil suit.

With these observations, the writ petition is disposed of.

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

**February 22, 2022**  
**nt**

**(ANIL KSHETARPAL)**  
**JUDGE**

**Whether speaking/reasoned : Yes/No**  
**Whether reportable : Yes/No**