

**151-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1.CWP-23060-2022 (O&M)

Bhupinder Singh

....Petitioner

Versus

State of Punjab and another

..Respondents

2.CWP-25050-2022 (O&M)

Gurmail Singh

....Petitioner

Versus

State of Punjab and another

..Respondents

Date of decision:13.12.2022

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. C.K.Singla, Advocate for the petitioner
Mr. Sandeep Chopra, DAG, Punjab

ANIL KSHETARPAL, J (Oral)

By this order, two Civil Writ Petitions I.e CWP-23060 and 25050 of 2022 shall stand disposed of.

On 16.11.2022, the following order was passed by this Court:-

“The learned counsel representing the petitioner relies upon a judgment passed in Gurpal Singh v. State of Punjab and Another (Civil Writ Petition No. 1479 of 2018, decided on 24.05.2019), he contends that the remedy under Sub-Section 3 of Section 28-A, of the Land Acquisition Act, 1894 (hereinafter referred to as "the 1894 Act") is not required to be followed mandatorily if the question is of equivalent amount of compensation.

Prima facie, Section 28A(3) of the 1894 Act provides for the period of limitation. In such circumstances, the question would be as to "Whether

the Court should overlook the statutory period of limitation provided while invoking the writ jurisdiction?"

The learned counsel representing the petitioner is directed to come prepared to assist this Court, on the next date of hearing.

List on 29.11.2022 for further arguments, in the urgent list.

A photocopy of this order be placed on the file of another connected case."

Once again, learned counsel representing the petitioner has been heard at length. He submits that an identically situated person has filed a writ petition, which was allowed.

Be that as it may. Once there exists a provision for availing the statutory remedy, which is subject to the limitation, it would not be appropriate for this Court to overlook the period of limitation, while invoking its extraordinary jurisdiction. The petitioner, if so advised, may avail the alternative remedy.

Disposed of.

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

13.12.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE