

2024:PHHC:003083

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

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CWP-25264-2023 (O&M)
Date of decision: 10.01.2024

BHUPINDER SINGH AND ANOTHER

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Chanchal K. Singla, Advocate,
 Mr. Tarranum, Advocate and
 Mr. Aditya Pratap, Advocate,
 for the petitioners.

 Mr. Sandeep, Addl. A. G. Punjab.

 Mr. Kanwalvir Singh Kang, Advocate,
 for respondent No.3-NHAI.

RAJBIR SEHRAWAT, J. (Oral)

CM-19760-CWP-2023

1. This is an application under Section 151 CPC for placing on record short reply alongwith affidavit and Annexures R-3/1 to R-3/8.
2. Allowed as prayed for. Short reply alongwith Annexures R-3/1 to R-3/8 is taken on record.

CM-20097-CWP-2023

3. This is an application seeking permission to place on record additional reply of respondent No.3 alongwith Annexures R-3/9 to R-3/12, and seeking exemption from filing certified copies of the same.
4. Allowed as prayed for. Additional reply alongwith annexures, is taken on record.

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5. The present petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus

directing the respondents to release the compensation awarded vide order dated 26.12.2017, with certain other prayers made in the present petition.

6. Short reply dated 09.01.2024 by way of affidavit of the Sub Divisional Magistrate-cum-Collector Land Acquisition, Patiala, filed in the Court today, is taken on record.

7. It is submitted by counsel for the respondents that the petitioners have already filed CWP Nos.23060-2022 and 25050-2022, claiming therein that the compensation awarded in the matter was not sufficient. The said writ petitions were dismissed by this Court, vide order dated 13.12.2022. Against that order, petitioner No.1 has preferred LPA bearing No.233-2023, whereas petitioner No.2 has preferred LPA bearing No.244-2023 which are still pending adjudication.

8. The present petition has been filed claiming the compensation which has come to the share of the father of the petitioners in the process of acquisition. However, there is no such order passed by the Reference Court, entitling the petitioners to the compensation qua the share of their father, *per se*. Therefore, the present petition is without any legal basis.

9. Accordingly, the present petition is dismissed.

10. However, the petitioners would be at liberty to avail any other alternate remedy, but in accordance with law.

10.01.2024
parveen kumar

(RAJBIR SEHRAWAT)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No