

(2020) 01 P&H CK 0056

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 31919 Of 2019

Taro And Others

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision : 10-01-2020

Acts Referred:

Land Acquisition Act, 1894 — Section 18, 28A
Constitution Of India, 1950 — Article 226, 227

Citation : (2020) 01 P&H CK 0056

Hon'ble Judges : G.S. Sandhawalia, J

Bench : Single Bench

Advocate : V.P. Singh

Final Decision : Disposed Of

Judgement

1. In the present writ petition filed under Articles 226/227 of the Constitution of India, the petitioners seek directions to the respondent-authorities to decide the petition (Annexure P-8) filed under Section 28A of the Land Acquisition Act, 1894 (for short 'the Act') and grant compensation @ Rs. 2,81,400/- per acre alongwith statutory benefits as determined by the Apex Court in Civil Appeal No. 5837-5855 of 2017 'Teja Ram v. The State of Punjab', decided on 21.11.2017.

2. After arguing for sometime counsel does not press the present writ petition, as apparently it has come on record that the petitioners/predecessor-in-interest had also filed a petition under Section 18 of the Act and, therefore, on the plain reading of Section 28A of the Act, application under the said section would not be maintainable. It is also apparent that the petition has been filed after the decision by the Apex Court, whereby the market value has been assessed Rs. 2,81,400/- per acre and, therefore, an application under Section 28A filed on the strength of the decision of the Apex Court would not be maintainable, in view of the law laid down by the Apex Court in Ramsingbhai (Ramsangbhai) Jerambhai v. State of Gujarat, 2018 (3) RCR (Civil) 114.

3. Faced with this situation, counsel submits that the petitioners even have not taken the amount which has been awarded by the Reference Court, which had enhanced the same to Rs. 1,70,000/- from Rs. 1,45,000/- per acre, as awarded by the Land Acquisition Collector. In such circumstances, he wishes to withdraw the present writ petition and to approach the Executing Court to get the benefit of compensation which has now been awarded, specially keeping in view the law laid down by the Apex Court *A. Viswanatha Pillai v. Special Tahsildar for Land Acquisition*, (1991) 4 SCC 17, *Smt. Parawati v. State of Haryana*, 2009 (5) RCR (Civil) 572 and *Parkasho v. State of Punjab*, 2011 (5) RCR (Civil) 493.

4. Disposed off accordingly.