

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

CR No. 148 of 2014 (O&M)

Date of decision: 11.08.2015

Ranjit Singh and others

... Petitioners

versus

State of Punjab and others

.... Respondents

2. CR No. 4530 of 2013 (O&M)

Jasminder Singh

... Petitioners

versus

Sher Kaur @ Shero and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. R.S. Manhas, Advocate for the petitioner.
Mr. P.S. Dhiman, Advocate for respondent Nos.1 to 9.
Mr. Manish Kumar Singla, Advocate for respondent No.10.
Ms. Vandana Malhotra, Addl. Advocate General, Punjab.

K.Kannan, J.

The written statement filed by the 3rd respondent State, Director of Rural Development, wanted to contend through an amendment, that the order passed by the predecessor-in-office was wrong and Legal Remembrancer had given an opinion to that effect. This was accepted by the Reference Court. It is an absurd situation of an attempt by the 3rd respondent to allow for an opinion of Legal Remembrancer to prevail on a decision already taken and use the jurisdiction of the Civil Court to decide whether the decision of the Director was not correct. All matters relating to reference under Section 30 of the Land Acquisition Act, 1894, would be decided only by the

Court of Reference and any other adjudication by any other person will be considered for its correctness only by the Civil Court. The amendment ordered was erroneous, for, the Government cannot be allowed to bring an amendment to deflect the Court's attention to a Legal Remembrancer's perception that the order already passed was wrong. The amendment application filed ought to have been rejected as wholly unnecessary and meant to bring a needless confusion at the trial.

The impugned order is set aside and the revision petition is allowed.

CR No. 4530 of 2013

The reasoning adopted for the above case will apply to the instant case as well and the revision is allowed for the very same reason rejecting the application for amendment allowed by the trial.

(K.KANNAN)
JUDGE

11.08.2015

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