

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.4726 of 2011
Date of Decision: February 19, 2015

Mahender Singh

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: Hon'ble Mr. Justice Dr.Bharat Bhushan Parsoon.

Argued by: Mr.Surender Saini, Advocate for the petitioner.

* * *

Dr.Bharat Bhushan Parsoon, J.

CM No.3754-CII of 2015

There is a request for placing on record copy of reference petitions under Section 18 of the Land Acquisition Act, 1894 and petition under Section 30 of the said Act as Annexure P-5 and P-6. The application is supported by an affidavit.

Heard.

Allowed.

Documents Annexures P-5 and P-6 are taken on record.

CR No.4726 of 2011

1. Order dated 09.05.2011, whereby amendment in the reference petition under Section 19 of the Land Acquisition Act, 1894, for determining market value of the land acquired vide Award No.17 dated 02.03.2006 in respect of revenue estate of Village-Asswarpur, Tehsil and District Sonapat, was dismissed is under challenge.
2. Counsel for the petitioner has urged that the learned lower Court fell in error while it considered merits of the pleas sought to be introduced

by way of amendment in the petition. It is urged that as per the averments in the application amendment has been sought to be introduced that the petitioner and proforma respondents are Dohlidars and owners of the acquired land. Though, initially the reference petition had been filed by the petitioner and the proforma respondent claiming themselves to be lease holders but relying upon the revenue documents, now it is claimed that ownership and Dholi rights are also available with them and as such, the petition is to be amended accordingly.

3. Purpose of amendment sought in the petition is neither malafide nor it seeks to introduce facts which are springing any surprise for the contesting respondents. Rather the revenue record on the basis of which the amendment has been sought, is beyond manipulation. Merits of the averments sought to be introduced by way of amendment are not to be evaluated at this stage. Allowing of the amendment would curtail proliferation of litigation and would acquip the court below sufficiently to decide the matter wholly and completely with competence and effectiveness.

4. In view of the above discussion, reversing the impugned order, the petition is allowed. Amendment sought for by the petitioner vide application Annexure P-1, is allowed subject to payment of costs of Rs.5,000/- to be paid with District Legal Services Authority, Sonapat for the delay in moving the application.

February 19, 2015
anil

(Dr.Bharat Bhushan Parsoon)
JUDGE