

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

CWP No.2547 of 2015
Date of decision: 6.5.2015

Satyawan and others

-----Petitioners

Vs.

State of Haryana and another

----Respondents

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE REKHA MITTAL**

Present:- Mr. Atul Yadav, Advocate for the petitioners.

Mr. Sudeep Mahajan, Addl. Advocate General, Haryana.

Ajay Kumar Mittal,J.

1. The petitioners seek a writ in the nature of mandamus directing the respondents to send reference under Section 18 of the Land Acquisition Act, 1894 (in short, "the Act") filed by them to the court of competent jurisdiction.

2. A few facts relevant for the decision of the controversy involved as narrated in the petition may be noticed. In pursuance to the notifications under Sections 4 and 6 of the Act dated 10.9.1991 and 18.8.1992 respectively, the State Government acquired 0.34 acres of land in Village Mankrola HB No.42, Tehsil Gurgaon, District Gurgaon at public expense for a public purpose, namely, for the construction of Gurgaon Water Supply Canal Channel. Award dated 30.11.1993, Annexure P.1 was announced by the Land Acquisition Collector, Irrigation Branch, Bhiwani. Aggrieved thereby, the father of petitioner Nos.1 to 3 filed reference petition under Section 18 of the Act before the DRO-cum-Land Acquisition

Collector which was duly received on 21.1.1994 but the same had not been sent to the court of Additional District Judge for adjudication. He was absolute owner of agricultural land bearing Khewat/Khata No.11/18 Rect.No.27, Killa No.11/1/1 (2-12), 19/1(0-2) measuring 2 kanals 18 marlas situated in the revenue estate of Village Makrola, Tehsil and District Gurgaon. He died on 7.4.2000 leaving behind the petitioners as his legal heirs. The petitioners approached the respondents many times for sending the reference to the court of competent jurisdiction but no action had been taken. Hence the instant writ petition.

3. We have heard learned counsel for the petitioners.

4. In the reply filed by District Revenue Officer-cum-Land Acquisition Collector, Irrigation Branch Rohtak, in the preliminary objection, it has been specifically stated that no reference under Section 18 was filed by the petitioners or their father. The said preliminary objection reads thus:-

“That the Government of Haryana issued notification No.6689/2-L dated 10.9.1991 under Section 4 of the Land Acquisition Act and after that notification No.6975/2-L dated 18.8.1992 under Section 6 of the said Act was issued whereby land situated in Village Mankrola HB No.42 Tehsil and District Gurgaon was acquired and after that award No.9G dated 30.11.1993 was announced. The present writ petition has been filed by the petitioner for issuance of direction to the respondent to send the Reference under Section 18 of the Land Acquisition Act filed by the petitioners to the court of competent jurisdiction. It is submitted that as per record of the DRO-cum-Land Acquisition Collector, Irrigation branch, Rohtak, no reference under Section 18 of the Act was filed by the petitioners or their father.”

5. The aforesaid fact was sought to be controverted by the learned counsel for the petitioners on the ground that there was receipt on the copy of the application. A photo copy of the same has been taken on record. A perusal of the same shows that there is no receipt number etc. thereon. The stand of the State-respondents stands corroborated as the petitioners have not placed any material on record to show that any steps had been taken by them since the year 1994 for more than 20 years for pursuing the matter. Thus, in the absence of any material on record to substantiate the averments made in the petition and demonstrate that any reference under Section 18 of the Act had been filed, we find no merit in the petition and the same is hereby dismissed.

(Ajay Kumar Mittal)
Judge

May 06, 2015
'gs'

(Rekha Mittal)
Judge