

CWP-11794-2015

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

CWP-11794-2015

Date of Decision: November 09, 2016

Haryana Wakf Board

.....Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

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| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.B.S.Bedi, Advocate
for the petitioner.

Ms.Palika Monga, DAG, Haryana.

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SURYA KANT, J.

Petitioner-Board is said to have filed Reference under Sections 18 and 30 of the Land Acquisition Act, 1894 (for brevity, 'the 1894 Act') on 02.04.1992 for enhancement as well as apportionment of compensation in relation to the acquisition of land measuring 5 bigha 19 biswas situated in the revenue estate of village Taraf Insar, Panipat, comprised in Khewat No.537, Khatoni No.843-844, Khasra Nos.5112/1/1-0, 5113/1/0-17, 5114/1/0-14, 5116/1/1-2, 5117/1/0-16 and 5118/1/1-10.

The grievance in the instant writ petition is that the above-stated Reference has not been forwarded to the Court of competent jurisdiction for adjudication till date.

The Land Acquisition Collector has filed the written statement

with a plea that the above-stated Reference already stands decided alongwith some other connected References.

Counsel for the petitioner, on the other hand, submits that the other decided References pertain to the acquisition of land other than the one referred to above.

Since such a disputed question of fact cannot be adjudicated in these proceedings, we dispose of this writ petition with a direction to the Land Acquisition Collector, Urban Estate, Rohtak to reverify the record and ascertain from the Reference Court as to whether any Reference under Section 18 or 30 of the 1894 Act in respect of above described land was ever referred to and/or has been adjudicated. If it is found that the Reference was filed but it has not been decided so far, he will refer the same to the Court of competent jurisdiction. However, if such Reference has already been decided, the details thereof be sent to the petitioner.

**(SURYA KANT)
JUDGE**

November 09, 2016
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**(SUDIP AHLUWALIA)
JUDGE**

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |