

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

**CWP No.17839 of 2017
Date of Decision : 11.08.2017.**

Hari Kishan and others

.....Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. Rao Ajender Singh, Advocate for the petitioners.

ARUN PALLI, J. (Oral)

This is a petition under Article 226/227 of the Constitution of India praying for a writ in the nature of certiorari to quash the award, dated 31.03.2015 (Annexure P-4), vide which, respondents No.5 to 139 have been held entitled to the entire compensation. A writ of mandamus is also prayed for directing the official respondents to consider the claim of the petitioners for awarding compensation in terms of their share/entitlement in the acquired land.

Vide notification, dated 27.01.2003, issued under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act') a land measuring 138.15 acres situated in village Padiawas, H.B. No.172, Tehsil and District Rewari was sought to be acquired for development and utilization of land as residential, commercial sectors 18, 19, 20 part and commercial Sector 17 part at Rewari. Vide award No.35, dated 20.01.2006, the Land Acquisition

Collector assessed the market value of the acquired land. For, there was a dispute as regards title between Gram Panchayat Padiawas and proprietors of the village i.e. respondents No.5 to 139, qua the acquired land, the matter was referred to the Civil Court, under Section 30. Vide award, dated 31.03.2015, respondents No.5 to 139 were held entitled to receive the compensation. They moved the executing Court for disbursement of compensation, in terms of the award, dated 31.03.2015 (Annexure P4). It was, at that stage, for the first time, the petitioners, who purport to be the members of scheduled caste community of the village Padiyawas, filed applications/objections to array them as parties and apportion the compensation in terms of their share in the acquired land. But as the private respondents were disbursed the compensation in terms of the award Annexure P4, the execution petition was disposed of being satisfied. However, as regards the petitioners, it was observed ***“In case in the meantime present applicants also make any representation/objections stacking their claim of apportionment, the LAC will consider the same as per provisions under Section 30 of the Act and will pass a appropriate orders as per law over said representation/objections of the applicants”***. That is how, as indicated above, the petitioners are before this Court.

Needless to assert that, for, the petitioners to claim apportionment in the compensation awarded, vide award, dated 31.03.2015 (Annexure P-4), they were/are required to establish that they had any right, title or interest in the acquired land. Concededly, they never raised any dispute or filed objections to the award, dated 20.01.2016, made by the

Collector. It is not disputed either that they were not even parties to the reference, for, the dispute under Section 30 before the reference Court was between the proprietors of the village and Gram Panchayat Padiawas. Their applications/objections were rejected by the executing Court, for, their claim for apportionment of compensation could never be determined in the execution proceedings initiated by the private respondents. Which is why, the executing Court granted them the liberty to move representations/objections to the concerned Collector. And issued a direction that in the event any such applications are filed the Court shall consider the same in terms of the provisions of Section 30 and shall pass appropriate orders. Faced with this, learned counsel for the petitioners submits that the petitioners have indeed approached the Collector (respondent No.3), pursuant to the order passed by the executing Court. But to no avail. It is urged that respondent No.3, be directed to look into their grievance and pass appropriate orders on the representations that the petitioners shall make within two weeks from today.

That being so, the writ petition is disposed of, at this stage, only with a direction to respondent No.3 that in the event any such representation is made the same shall be considered and decided by respondent No.3, in accordance with law.

11.08.2017

*Manoj Bhutani***(ARUN PALLI)**
JUDGEWhether speaking/reasoned
Whether reportable:Yes/No
Yes/No