

Civil Revision No.2139 of 2018

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

Civil Revision No.2139 of 2018

Date of decision: 02.04.2018

Satbir Singh

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Saurabh Bajaj, Advocate, for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through instant petition under Articles 226/227 of the Constitution of India challenge has been laid to order dated 20.03.2018 (Annexure P-6) of the learned Additional District Judge, Hisar, whereby application of the petitioner for framing additional issues was dismissed.

Learned counsel undertakes that petitioner would not lead any fresh evidence, if the impugned order is set aside and Reference Court is directed to frame necessary issues mentioned in para No.1 of the impugned order. He brought to the notice of this Court, the reference filed by the petitioner under Section 18 of the Land Acquisition Act (hereinafter referred to as the 'Act') to show that two issues sought to be framed by the petitioner were not beyond pleadings, rather the facts touching to the issues so to be framed were very much mentioned in the reference.

Considering overall facts and circumstances and going through the copy of the reference under Section 18 of the Act filed by the petitioner,

it is evident that the petitioner has pleaded the facts touching the issues

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mentioned in para No.1 of the impugned order. Therefore, it was required for the Reference Court to frame following issues: -

1. Whether applicants are entitled to compensation on account of severance of their land due to acquisition?
OPP
2. Whether the applicants are entitled to compensation for injuriously affecting their other immovable property?
OPP

Non-framing of such issues by the trial Court would definitely prejudice and harm the right of the petitioner inasmuch as the Reference Court would not be able to give any finding.

In view of above, impugned order is set aside. Reference Court is directed to frame above issues.

This petition is disposed of without issuing notice to the respondents with a view to impart justice to the parties and to save the huge expenses which may be incurred by the respondents and also to avoid unnecessary delay in the adjudication of the matter. Still, if dissatisfied, the respondents may move this Court for recalling this order within six weeks from today.

April 02, 2018
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned Yes/No

Whether reportable Yes/No.