

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

CWP No.10257 of 2016 (O&M)

Date of Decision: 08.05.2018

M/s Senior Builders Limited

...Petitioner

VS.

State of Haryana & Ors.

... Respondents

**Coram : Hon'ble Mr.Justice Surya Kant
Hon'ble Mr.Justice Shekher Dhawan**

Present: Mr. Akshay Kumar Goel, Advocate;
Mr. SP Khatri, Advocate; for the petitioner(s)

Mr. Ankur Mittal, Addl. AG Haryana and
Mr. Manoj Dhankar, AAG Haryana

Mr. Pankaj Jain, Advocate for respondent No.7

SURYA KANT J. (Oral)

(1) This order shall dispose of CWP Nos.10257, 10592, 10733, 18112, 18177, 18332, 18383, 18625, 18674 & 20753 of 2016 as there arises a common question of law for consideration in these cases. For the sake of brevity, the facts are being extracted from CWP No.10257 of 2016.

(2) M/s Senior Builders Ltd. has filed the instant writ petition challenging the order dated 28.04.2016 (P13) whereby the Land Acquisition Collector, Rohtak has attempted to resolve the title dispute in respect of the land acquired by State of Haryana. A dispute arose between the petitioner and respondent No.7, as the latter claimed himself entitled to receive compensation on the basis of Assignment Deeds said to have been executed by the builder. Further case of respondent No.7 was that the builder had already paid full sale consideration to the original landowners.

(3) The petitioner-builder's plea was that the Assignment Deeds are not genuinely executed documents.

(4) The said controversy has been decided by the Land Acquisition Collector vide impugned order in favour of respondent No.7. Somewhat similar orders have been passed by Land Acquisition Collector in the connected cases also whereby the claim of respondent No.7 based upon Assignment Deed(s) has been accepted.

(5) The question which falls for consideration is whether the title dispute could be decided by the Land Acquisition Collector himself or it ought to have been referred to the Court of competent jurisdiction under Section 30 of the Land Acquisition Act, 1894?

(6) Learned counsel for the parties are *ad idem* that keeping in view the earlier decisions of this Court that wherever such like controversy arises, the Land Acquisition Collector is expected to refer the dispute(s) for adjudication to the Court of competent jurisdiction, namely, the District Judge, the Collector himself ought not to have ventured into adjudication. Needless to say that learned Court, in such like title dispute, would afford opportunity to the parties to establish their claims and adjudicate the same in accordance with law.

(7) In the light of the agreed stand taken before us, these writ petitions are allowed in part, the impugned orders including dated 28.04.2016 (P13) passed by Land Acquisition Collector, Rohtak are set aside with a direction to the Land Acquisition Collector to refer the dispute(s) to learned District Judge, Sonapat within a period of one month from the date of receipt of certified copy of this order. Keeping in view the fact that the matters are pending consideration for quite long time, learned District Judge/Additional District Judge, Sonapat is requested to decide the references expeditiously, after hearing all the concerned parties, within a

period of six months from the date such references are received from the Land Acquisition Collector.

(8) Ordered accordingly.

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The instant application seeking early hearing is fixed for 09.07.2018. In view of the fact that the main case itself has been decided, there is no reason to keep this application pending, which is thus disposed of as having become infructuous.

Ordered accordingly.

(Surya Kant)
Judge

08.05.2018
vishal shonkar

(Shekher Dhawan)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes
No