

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

**CR No.7624 of 2017 (O&M)  
Date of Decision : 12.03.2019**

Kuljinder Singh and others

.....Petitioners

Versus

Jalandhar Improvement Trust and others

.....Respondents

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

Present : Mr. Lakhwinder S. Mann, Advocate  
for the petitioners.

Mr. D.V. Sharma, Senior Advocate assisted by  
Ms. Shivani Sharma, Advocate  
for respondent No.1.

Ms. Ambika Bedi, Asstt. Advocate General, Punjab  
for respondent Nos.2 and 3.

**SUDIP AHLUWALIA, J. (ORAL)**

**CM No.23502-CII of 2017**

Allowed as prayed for.

**CR No.7624 of 2017**

The petitioners initially filed their objections (Annexure P-1) on 26<sup>th</sup> July, 2011 after the original Acquisition Order was passed. A number of points were mentioned therein and an attempt was undoubtedly made to challenge the Acquisition itself although various prayers such as award of compensation to petitioner No.3, stopping the

payment to the persons mentioned in Annexure B from Serial No.230 to 261 in the application, enhancement of compensation with all other benefits, with an additional prayer to add the name of petitioner No.3, and the Khasra No.8604 Serial No.14 in Annexure D, as also to abide by the provisions of Section 28(2)(V) of the Punjab Town Improvement Act, 1922 for development of localities, with preference in the plots to the petitioners, were all made therein. Suffice it to say the aforesaid application was not at all happily drafted. No order was passed upon the same after which the petitioners filed their second application under the caption reference under Section 18 of the Land Acquisition Act on 21<sup>st</sup> September, 2012, followed by another separate Reference under Section 18 of the Land Acquisition Act on behalf of one Gurinder Singh son of Avtar Singh dated 18<sup>th</sup> February, 2013 (Annexures P-2 and P-3). The two subsequent reference Applications were dismissed by the Authority being time barred.

2. The petitioners thereafter approached this Court by way of CR No.2488 of 2013, which was disposed off by a Co-ordinate Bench vide its Order dated 12<sup>th</sup> April, 2013 (Annexure P-5) with the following direction :-

*“The learned counsel for the petitioners submits that the award was passed behind his back on 31.5.2011, still he filed a reference petition on 26.7.2011. The said application remained undecided*

*and reference was not made and thereafter, he moved two other applications dated 31.9.2012 and 18.2.2013, but those applications were declined, however, while refusing to make the reference, the court did not consider the earlier application dated 26.7.2011.*

*In the circumstances, this petition is disposed of with the direction to the trial court to decide the application dated 26.7.2011 (Annexure P/1) which bears the marking No.1192 of 26.7.2011 and pass a speaking order with regard to making of reference while considering the said application.”*

(Emphasis added)

3. It is the submission of Ld. Counsel for the petitioners that in spite of the aforesaid direction, no order was passed on the concerned application, on account of which the petitioners were constrained to approach the Court under its Contempt jurisdiction. However, when notice of the Contempt proceedings was issued, the respondent No.3 passed the impugned order on 17<sup>th</sup> March, 2017 purportedly in compliance of the direction in CR No.2488 of 2013.

4. This Court has gone through the said order (Annexure P-6), it is seen that the summary of the various averments in the original Application dated 26<sup>th</sup> July, 2011 has been noted in the twelve numbered paragraphs therein including those concerning the quantum of award/valuation of land etc. which was the subject matter of relevant Para Nos.8 and 9, and have been referred to in Para Nos.9 and 10 of the

order. The matter was finally disposed off by respondent No.3 by holding that he was incompetent to review or revisit the Award dated 31<sup>st</sup> May, 2011, since he had become *functus officio*. The relevant extracts from the impugned order are set out as below :-

*"I hereby conclude and hold that the applicants have raised objections to award dated 31.05.2011 passed by my learned predecessor and I, exercising powers of Land Acquisition Collector Jalandhar Improvement Trust Jalandhar hold that I have no jurisdiction and competence to review or revisit award dated 31.05.2011 passed in case no.1 of 2011-2012 of revenue estate Jalandhar, Tehsil and district Jalandhar, instituted on 22.12.2010 and decided on 31.05.2011. The land of the applicants have been acquired as per law, after passing of the award dated 31.05.2011 the undersigned has become functus officio.*

*It is very pertinent to hold that the present application has been preferred by the following*

- 1) Kuljinder Singh S/o Avtar Singh*
- 2) Bhupinder Kaur W/o Avtar Singh*
- 3) Gurinder Singh S/o Avtar Singh*

*All Residents of H.No.200 Thakhur Singh Nagar Jalandhar.*

*Where as the application bears only the signature of Gurvinder Singh Advocate, it is no where stated by the applicants that the present application dated 26.07.2011, is for the benefit of all the applicants mentioned in application, as per the report of the*

*revenue staff dated 17.03.2017, mentioned above, Gurinder Singh applicant does not have any land holding.*

*In view of my above stated discussion, I, dismiss the application dated 26.07.2011 and order that the same be filed.”*

5. A careful glance over the aforesaid order makes it clear that there is not even a passing mention to the requirement of “making of reference” as had been directed in CR No.2488 of 2013, which undoubtedly pertained to the reference under Section 18 of the Land Acquisition Act, considering the entire facts and circumstances.

6. To that extent, the impugned order cannot be considered as having been passed in conformity with the direction of this Court in CR No.2488 of 2013. Consequently, the Revision is allowed by setting aside the impugned order. The respondent No.3 is again directed to pass a Speaking Order with specific regard to “making of reference”, as had been broadly sought for in the original Application dated 26<sup>th</sup> July, 2011, within three months from the date of communication of this order.

**March 12, 2019**

**Dpr**

**(SUDIP AHLUWALIA)  
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No