

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

**CR-7391-2019 (O&M)
Decided on: 03.12.2019**

Har Lal and another **.... Petitioners**
Versus

State of Haryana and others **.... Respondents**

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Mohit Garg, Advocate
for the petitioners.

Mr. R.K.S. Brar, Addl. A.G., Haryana.

Mr. Ashish Yadav, Advocate
for respondent No.2.

RITU BAHRI, J (ORAL)

Petitioners have filed this revision petition for setting aside impugned order dated 18.11.2009 passed by the learned Additional District Judge, Nuh whereby their reference has been dismissed in default.

Learned counsel for the petitioners contends that the petitioners are residents of village Dhingaheri in District Mewat and the land was acquired by notification No.32/11/04-IBI-Phase XI, dated 29.09.2005 under Section 4 read with clause "C" of the Land Acquisition Act, 1894 (in short 'the Act').

The petitioners have filed their objections under Section 5-A of the Act. Thereafter, a notification under Section 6 of the Act declaring the intention of the Government of Haryana to acquire the land was published on 15.12.2005 and finally the collector vide order dated 26.05.2006 made an award. The petitioners thereafter filed a reference, which was dismissed in default vide impugned order dated 18.11.2009.

Learned counsel for the petitioners further contends that with respect to the same notification under Section 4 of the Act, RFA No.3552 of 2010 alongwith other connected appeals was disposed of and the matter was remanded back to the Reference Court vide order dated 31.01.2019 (Annexure P-2). It was referred back to the Reference Court. He further contends that even though there is a delay of almost 10 years in filing of the revision since the main reference is still pending before the Reference Court, in the interest of justice, this order be set aside and the matter be remanded back to the Reference Court, keeping in view the judgment passed by this Court (Annexure P-2).

At this stage, after notice of motion was issued on 21.11.2019, counsel for the State of Haryana had accepted notice by Mr. Ravi Dutt Sharma, DAG, Haryana. Today on the asking of the Court Mr. Ashish Yadav, Advocate accepts notice on behalf of respondent No.2-HSIDC. He, on instructions, has informed that pursuant to the order passed by this Court (Annexure P-2), the reference under Section 18 of the Act is still pending before the Reference Court at District Court, Mewat and the next date of hearing is fixed for 06.12.2019. Keeping in view that the petitioners' land have already been acquired by the same notification, this impugned order dated 18.11.2009 is being set aside and the direction is given to the Reference Court to decide the matter afresh alongwith the other connected matters, which are fixed for 06.12.2019.

However, keeping in view that there is a delay of 10 years in approaching this Court, the interest shall be awarded to the petitioners not beyond the period of 3 years, i.e. from the date of filing of this revision.

Accordingly, the revision petition is allowed.

A copy of this Court be given to counsel for the petitioners
under the signatures of Bench Secretary.

(RITU BAHRI)
JUDGE

03.12.2019

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No