

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(1) Civil Revision No.5679-2015(O&M)  
Date of Order:12.02.2020

Om Parkash and another ..Petitioners

Versus

The Land Acquisition Collector and others ..Respondents

(2) Civil Revision No.6049-2015(O&M)

Om Parkash ..Petitioner

Versus

The Land Acquisition Collector and others ..Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Shiv Kumar, Advocate,  
for the petitioners.

Mr. Shivendra Swaroop, AAG, Haryana.

**ANIL KSHETARPAL, J(Oral)**

By this order, Civil Revision Nos.5679 and 6049 of 2015 shall  
stands disposed of.

Petitioners in both the revision petitions claim that they have  
been deprived of the land on account of compulsorily acquisition by the  
Central Government, to be precise, Ministry of Shipping, Road Transport  
and Highways. Against the award passed by the learned Arbitrator,  
objections under Section 34 of the Arbitration and Conciliation Act, 1996,  
were filed by the land owners, who were deprived of the land. Their  
objections were dismissed for non-prosecution as the advocate engaged by  
them did not appear. Application for restoration was also dismissed by the

Court on the ground that since the advocates proceeded to abstain from working on a strike call given by the Bar, therefore, cause shown for non appearance is not justified.

Learned counsel for the petitioner in both the revisions contends that the objection petition filed by the identically situated land owners have been allowed and the learned Arbitrator thereafter has passed a fresh award. He also relies upon a judgment passed by the Hon'ble Supreme Court in the case of *The Commissioner, Mysore Urban Development Authority v. S.S.Sarvesh, (2019) 5 SCC 144.*

Learned State counsel submits that the absence of the petitioners or their counsel was not justified.

Be that as it may. The courts have been constituted to do substantive justice. In order to achieve that goal, it is incumbent for the Courts to avoid decisions on technicalities. In the present case, petitioners have already been deprived of their land on account of compulsorily acquisition. They are craving for determination of appropriate compensation payable as per market rate. This court has been informed that the learned Arbitrator has now re-determined the market rate pursuant to the remand by the District Court with respect to similar situated land owner.

Keeping in view the aforesaid facts, both the revision petitions are allowed and the impugned orders are set aside.

Parties through their counsels are directed to appeal before the Court on 05.03.2020.

February 12, 2020  
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(ANIL KSHETARPAL)  
JUDGE

Whether speaking/reasoned  
Whether reportable

: Yes/No  
: Yes/No