

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

251

**CR-776-2021(O&M)
Date of Order:06.04.2021**

OMWATI

..Petitioner

Versus

STATE OF HARYANA AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Adarsh Jain, Advocate,
for the petitioner.

Mr. B.R.Mahajan, Advocate General, Haryana with
Mr. Prateek Mahajan, Advocate
for respondent no.1 and 2.

ANIL KSHETARPAL, J(Oral)

This revision petition has been filed under Article 227 of the Constitution of India, for setting aside of the order dated 28.02.2020, passed by the learned Additional District Judge, Palwal.

On 26.03.2021, the following order was passed:-

“The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Learned counsel inter alia contends that in view of the notification dated 01.05.2018, the District Judge or his nominee in every Sessions division has been appointed to be the Presiding Officer for the purpose of Chapter VIII of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013).

Notice of motion.

On the request of this Court, Ms. Kirti Singh, Deputy Advocate General, Haryana, accepts notice on behalf of respondent No.1 and 2 and Mr. Prateek Mahajan, Advocate, accepts notice on behalf of respondent No.3.

List on 01.04.2021, for final disposal.”

Learned Advocate General, Haryana, has pointed out that the

petitioner applied for reference under Section 18 of the Land Acquisition Act, 1894 and not under under Section 31 and 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. However, he submits that he has no objection if the application for seeking reference submitted by the petitioner is treated to have been made under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

It is also not in dispute that in view of notification dated 01.05.2018, the District Judge or his nominee in every Sessions division has been conferred powers of the Presiding Officer for the purpose of Chapter VIII of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013).

Keeping in view the aforesaid facts, the order dated 28.02.2020 is set aside.

Learned Additional District Judge, Palwal, is directed to decide the claim petition filed for determination of the market value of the acquired land on merits.

The parties through their counsel are directed to appear before the Court on 30.04.2021.

06.04.2021
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No