

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

CWP-11349-2021(O&M)

Date of decision: 30.06.2021

Neena Bhalla Bawa and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Rajbir Singh, Advocate, for the petitioners

Ms. Kanica Sachdeva, AAG, Punjab

ANIL KSHETARPAL, J. (ORAL)

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Through this writ petition filed under Article 226 of the Constitution of India, the petitioners have assailed the correctness of the order passed by the Collector on 24.03.2021, while referring the dispute with regard to apportionment of the compensation to the court of competent jurisdiction.

Learned counsel representing the petitioners contends that the reference itself was not maintainable because of various reasons.

As per Section 30 of the Land Acquisition Act, 1894, whenever there is a dispute with regard to the apportionment of the amount of compensation, the Collector may refer such dispute to the decision of the Court. The Collector has passed the impugned order in the exercise of powers under Section 30. It is for the competent court to

decide the matter.

However, learned counsel representing the petitioners contends that a previous application filed by Harbhajan Singh under Section 28-A of the Land Acquisition Act, 1894, was dismissed by the Collector on 28.02.2021.

Be that as it may. In the considered view of this Bench, the ends of justice would be met if the Court of competent jurisdiction before whom the case is pending is requested to decide the maintainability of the petition within two months from the date of receipt of a certified copy of the order. The petitioners shall be at liberty to move an application in this regard, which shall be decided by the court within the time stipulated above after issuing notice to the parties.

Disposed of.

All the pending miscellaneous applications, if any, also stand disposed of.

30.06.2021
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No