

Date of Decision:17.08.2022

...Petitioners

Versus

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Mr. Pritam Saini, Sr. Addl. AG and
Mr. Jaspal Singh Pannu, AAG, Haryana.

ANIL KSHETARPAL, J. (ORAL)

The reference Court dismissed an application filed by the land owners to produce documents in order to prove the location of the acquired land vis-a-vis national highway on the ground that the High Court while remanding the matters did not permit the parties to lead additional evidence.

While deciding the reference petitions filed under Section 18 of the Land Acquisition Act, 1894, the Court is expected to assess the fair market value of the acquired land. For assessing the fair market value, one of the important factor is the location of the land.

In view of the aforesaid, the reference Court has taken a narrow view of the matter. The High Court had remitted the matter back to the reference Court for redetermination. There was no prohibition or restriction on receipt of the additional evidence. Hence, the order under challenge is set aside. The land-owners shall be permitted to produce and prove the documents. The State will also get a counter opportunity to lead evidence.

With all these observations, the present petition is allowed.

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

August 17, 2022
P.Bhatt

(ANIL KSHETARPAL)
JUDGE

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