

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

**1.CM-9696-CI-2019
in/and
RFA-446-2019 (O&M)**

State of HaryanaAppellant

Versus

Smt. Shakuntla Devi and others ..Respondents

**2.CM-9712-9713-CI-2019
in/andRFA-4494-2018 (O&M)**

State of HaryanaAppellant

Versus

Rakesh Kumar Gupta and another ..Respondents

Date of decision: 24.03.2022

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Shivendra Swaroop, AAG, Haryana

Mr. Vivek Suri, Advocate for for the respondents

ANIL KSHETARPAL, J (Oral)

The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

These two appeals have been filed by the State of Haryana assailing the correctness of the award passed by the Reference Court while deciding petitions under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to 'the 1894 Act').

The respondents (landowners) have filed two reference applications. It has been stated that the acquired land belonging to the respondents in both the appeals was released from the acquisition and the respondents have neither received any compensation under the award

of the land acquisition Collector nor in the award passed by the Reference Court.

Learned counsel representing the respondents submits that he may be permitted to withdraw his applications filed under Section 18 of the 1894 Act. Sh. Shivendra Swaroop, AAG, Haryana, prays for some time to get complete instructions.

Once the respondents are withdrawing their application submitted to the Land Acquisition Collector under Section 18 of the 1894 Act, the award passed by the Reference Court in the cases filed by the respondents becomes redundant.

Keeping in view the aforesaid facts, the applications, which are supported by an affidavit, are allowed. It is declared that the applications filed under Section 18 of the 1894 Act by the respondents shall be deemed to have been withdrawn and consequently, the award passed in favour of the respondents is rendered infructuous.

The State shall have liberty to file an application for revival, if so advised.

Consequently, the appeals are also disposed of.

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

24.03.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE