

In the High Court of Punjab and Haryana, at Chandigarh

1. Civil Writ Petition No. 9452 of 2021 (O&M)

Joginder Singh
... Petitioner(s)

Versus

State of Punjab and Others
... Respondent(s)

2. Civil Writ Petition No. 7893 of 2022

Jagjit Singh and Others
... Petitioner(s)

Versus

State of Punjab and Others
... Respondent(s)

3. Civil Writ Petition No. 7895 of 2022

Bagirath Singh
... Petitioner(s)

Versus

State of Punjab and Others
... Respondent(s)

4. Civil Writ Petition No. 8474 of 2022

Jasvir Singh
... Petitioner(s)

Versus

State of Punjab and Others
... Respondent(s)

**Civil Writ Petition No. 9452 of 2021 (O&M)
And Other Connected Cases**

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5. Civil Writ Petition No. 9340 of 2022

Naib Singh

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

6. Civil Writ Petition No. 9584 of 2022

Hartej Singh and Another

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

AND

7. Civil Writ Petition No. 11871 of 2022

Pargat Singh

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

DATE OF DECISION: 16.09.2022

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Rahul Vijay Singh Chugh, Advocate
for the petitioner(s) (In CWP-9452-2021, CWP-7893-2022,
CWP-9584-2022 and CWP-11871-2022).

Mr. Kanav Bansal, Advocate
for the petitioner(s) (In CWP-7895-2022, CWP-8474-2022
and CWP-9340-2022).

Mr. Dhanesh Kumar Singal, Additional Advocate General,
Punjab, for the respondents.

Anil Kshetarpal, J.

1. The challenge in all the writ petitions is to the recovery notices issued to the landowners, who stood deprived of their respective parcels of land on account of compulsory acquisition by the respondent No.1-State of Punjab. The State of Punjab claims that the petitioners have been paid in excess of what was required to be paid. On the other hand, the petitioners dispute that fact.

2. As per Section 18 and 30 of the Land Acquisition Act, 1894 (hereinafter referred to as “the 1894 Act”), the dispute with regard to assessment of the market value, its entitlement and apportionment, if any, is required to be decided by the Civil Court (Reference Court), but no proceedings are stated to be pending before the Civil Court.

3. In such a situation, the problem is required to be resolved. The Judicial officer is required to adjudicate upon the dispute with regard to the entitlement of the petitioners vis-a-vis the claim of the State Government. In such circumstances, the matter is forwarded to the senior most Additional District and Sessions Judge at Mansa, where the land was situated, to adjudicate upon the dispute in terms of the powers conferred upon him under Section 18 of the 1894 Act, which includes the power to decide the entitlement of the persons to the compensation as well as apportionment of the compensation amongst the persons interested. Let the matter be concluded within a period of nine months from the date of their appearance.

4. The parties, through their respective counsels, are directed to appear before the District Courts at Mansa on 17.10.2022.

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5. With the observations made above, all the writ petitions are disposed of. The miscellaneous application pending, if any, in all the writ petition(s) shall also stand disposed of.

**(Anil Kshetarpal)
Judge**

**September 16, 2022
“DK”**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No