

In the High Court of Punjab and Haryana, at Chandigarh

1. Civil Writ Petition No. 23593 of 2021

Dharam Pal and Others
... Petitioner(s)

Versus

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

2. Civil Writ Petition No. 23879 of 2021

Anant Ram and Others
... Petitioner(s)

Versus

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

AND

3. Civil Writ Petition No. 7186 of 2022

Ramesh Kumar and Others
... Petitioner(s)

Versus

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

DATE OF DECISION: 23.05.2022

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. V.B.Aggarwal, Advocate
for the petitioner(s).

Mr. Harsh Vardhan, Assistant Advocate General,
and Mr. Jaspal Singh Pannu, Assistant Advocate General,
Haryana, for the respondents.

Anil Kshetarpal, J.

1. This order shall dispose of three connected writ petition wherein a common issue is involved.

2. The petitioners complain that before the acquisition of the land, the State of Haryana took over the possession. On the directions of this Court, the fresh acquisition proceedings were started which resulted in award No. 2 dated 27.04.2012. On the request made by the petitioners, the matter was referred to the Court under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as “the 1894 Act”), which came to be decided on 11.02.2015. The regular first appeals, filed by the landowners as well as the State of Haryana, are pending. During the pendency of the aforesaid appeals, on the directions of the Court, the Land Acquisition Collector has now assessed the amount of damages with respect to the period prior to the date of notification under Section 4 of the 1894 Act on the basis of the report produced by the revenue official. The petitioners are not satisfied with the aforesaid assessment made by the Land Acquisition Collector. Hence, these writ petitions have been filed.

3. Heard the learned counsel representing the parties and with their able assistance, perused the paper-books.

4. The question is with regard to the assessment of damages payable to the landowners for wrongful dispossession with respect to period prior to date of notification under Section 4 of the 1894 Act. As regards the amount for compulsory acquisition, the matter is already pending in this Court. However, for the period anterior to the initiation of acquisition, the petitioners are required to lead evidence to prove the exact amount of damages. In the writ petition, it would not be appropriate to carry out such exercise. The wrongful dispossession of the petitioners before the date of notification under Section 4 of the 1894 Act is an independent act, which is

not directly connected with the compulsory acquisition of the land. In such circumstances, the petitioners can file a civil suit for damages wherein both the parties can be granted an opportunity to lead evidence enabling the Court to assess the appropriate amount of damages.

5. In view of the above, all the writ petitions are disposed of by relegating the petitioners to the remedy of Civil Court.

**(Anil Kshetarpal)
Judge**

May 23, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No