

**CR-2285 of 2021 (O&M)
and other connected case**

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

**CR-2285 of 2021 (O&M)
Date of decision: 16.12.2022**

Estate Officer HUDA Kaithal

..Petitioner

Versus

Shashi Sharma and others

..Respondents

CR-3180 of 2021(O&M)

Estate Officer HUDA Kaithal

..Petitioner

Versus

Kamlesh Rani and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Deepak Sabherwal, Advocate
for the petitioner.

Mr. Kanwar Abhay Singh, Advocate
for respondent no.1 (in CR-2285 of 2021)

Mr. Arvind Bansal, Advocate
for respondent no.1 (in CR-3180 of 2021)

ANIL KSHETARPAL, J(Oral)

1. The issue which needs adjudication is “Whether a co-sharer, without any judgment, decree, order or award in his favour, file an execution petition only on the strength of the assessment of market value made by the Court in favour of the various other co-villagers/co-sharers”

2. In these two cases, the respondents (landowners) who stood deprived of their land did not file an application for referring the matter to the Court at the first place. However, their execution petition has been allowed and they have been held entitled to compensation vide order dated

19.08.2021. Section 18 of the Land Acquisition Act, 1894 reads as under:-

18. Reference to Court. -

(1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, or the apportionment of the compensation among the persons interested.

(2) The application shall state the grounds on which objection to the award is taken: Provided that every such application shall be made- (a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award; (b) in other cases, within six weeks of the receipt of the notice from the Collector under section 12, sub-section (2), or within six months from the date of the Collector's award, whichever period shall first expire.

3. If the landowner intends to object to the amount offered by the Land Acquisition Collector, he is required to file an application within the prescribed time. There is another opportunity given to the landowners under Section 28-A of the Land Acquisition Act, 1894, which enables them to file an application on the basis of the award passed by the Reference Court, if there is enhancement of the market value. Apart from the aforesaid

two opportunities, the statute does not provide for any other remedy. The aforesaid issue is covered by a detailed judgment passed in **Rajender Singh and another vs. State of Haryana and others** (Civil Revision No.814 of 2020 and other connected cases, decided on 15.09.2022).

- 4. Keeping in view the aforesaid facts, the impugned orders passed by the Executing Court on 19.08.2021 and 06.03.2020 shall stand set aside.
- 5. Both the revision petitions are allowed.
- 6. All the pending miscellaneous applications, if any, are also disposed of.

December 16, 2022
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(ANIL KSHETARPAL)
JUDGE

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