

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 26481 of 2021

Date of Decision: 21.02.2022

Prem Singh and Others

... Petitioner(s)

Versus

State of Haryana and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Adarsh Jain, Advocate
for the petitioner(s).

Mr. Samarth Sagar, Additional Advocate General,
Haryana, for the respondents.

Anil Kshetarpal, J.

1. Affidavit, filed by the Additional Chief Secretary, Agriculture and Farmers Welfare Department, Haryana, is taken on record.
2. The Land Acquisition Collector has ordered correction in the award, passed by it previously. The result is that the petitioners have been called upon to deposit the excess amount of compensation already paid to them.
3. The learned counsel representing the petitioners contends that the Land Acquisition Collector could not have passed the order without granting them an opportunity of hearing. The learned State counsel does not dispute that no opportunity of hearing has been provided to the petitioners by the Land Acquisition Collector before passing the impugned order.
4. The learned counsel representing the petitioners contends that

once the matter is pending before the Court for assessment of the market

value, the Collector has no jurisdiction to pass an order.

5. In the present case, the State has taken a stand that the relevant date, on which the market value is required to be assessed, has been wrongly noticed by the Collector while passing the award. Furthermore, once the order under challenge is set aside, then, it is open to the petitioner to take up all the defences before the Collector.

6. Keeping in view the aforesaid facts, the present writ petition is accepted and the notices, calling upon the petitioners to pay the amount, are set aside. The Land Acquisition Collector shall be at liberty to pass a fresh order, in accordance with law, after hearing the petitioners. Hence, the petitioners, through their learned counsel, are directed to appear before the Land Acquisition Collector on 07.03.2022 at 10.00 A.M.

(Anil Kshetarpal)
Judge

February 21, 2022
“DK”

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