

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 5328 of 2022

Date of Decision: 18.11.2022

Gurmej Singh and Others

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Ms. Reeta Kohli, Senior Advocate
with Mr. Ivan Singh Khosa and Ms. Vandana Kholi, Advocates
for the petitioner(s).

Mr. Sandeep Chopra, Deputy Advocate General,
Punjab, for the respondent No.1 to 3.

Anil Kshetarpal, J.

1. While assailing the correctness of the order dated 09.08.2022,
the petitioners have filed the present revision petition.

2. Notice of motion.

3. On the request of the Court, Mr. Sandeep Chopra, Deputy
Advocate General, Punjab, accepts notice on behalf of the respondent No.1
to 3.

4. The land belonging to the petitioners has been involuntarily
acquired by the State. Dissatisfied with the amount offered by the Land
Acquisition Collector, on the application of the landowners, the matter was
referred to the Reference Court. The Reference Court has closed the
opportunity to the petitioners to lead evidence while noticing that for the last

seven years, no evidence has been led by the landowners.

4. Heard the learned counsel representing the parties, at length and with their able assistance, perused the paper-book.

5. The learned senior counsel representing the petitioners contends that due to the COVID-19 pandemic, a period of nearly two years was lost and before the petitioners could collect the evidence, the impugned order was passed by the Court

6. In order to help the landowners who suffer due to the power of the State to acquire the land against their wishes, a provision has been made to enable the landowners who stand deprived of their land to seek adjudication with regard to the appropriate market value of the involuntarily acquired land. In other words, the land-losers are given sufficient opportunity to get a decision by the Court on the appropriate market value of the land acquired involuntarily. In such cases, the Presiding Judges of the Courts are required to be considerate and sympathetic towards the landowners. It is not appropriate for the Court to treat the land losers as ordinary litigants because this litigation is not adversarial as they get no right to not give the land.

7. Keeping in view the aforesaid facts, the order dated 09.08.2022 is set aside while allowing the revision petition. The petitioners are granted two opportunities to lead and conclude their evidence within a period of next three months.

(Anil Kshetarpal)
Judge

November 18, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No