

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

(218)**CR-5278-2011 (O&M)****Date of Decision: 06.10.2023**

Raj Kumar Singh

.....Petitioner

Versus

Mohan Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Jayender S. Chandail, Advocate, for the petitioner.

Mr. Siddhanth Arora, Advocate, for
Mr. Ankur Mittal, Advocate, for HSVP.

Mr. Saksham Khunger, Advocate, for respondent No.1.

Mr. Shivender Swaroop, DAG, Haryana.

HARKESH MANUJA, J.(ORAL)

1. By way of present revision petition, challenge has been made to an order dated 18.08.2011 (Annexure P-1) passed by the Reference Court-cum-Additional District Judge, Panchkula, whereby, an application seeking amendment of reference (LAC case No.73 of 1999) filed under Section 18 of the Land Acquisition Act, 1894 moved on behalf of two of the landowners through their legal representatives has been allowed.

2. Impugning the aforementioned order, learned counsel for the petitioner submits that the Reference Court went wrong while passing the order of amendment by reducing the land mentioned in the reference from around 100 Acres to 118 Kanal 1 Marla. He further points out that no such amendment at this stage could have been permitted by the Reference Court as the same was referred before it by the Land Acquisition Collector. Learned counsel for the petitioner also points out that parties to both the references was different and thus, the impugned order was wholly untenable in the eyes of law.

3. On the other hand, learned counsel for the private respondents submits that the Reference Court committed no illegality while granting permission to amend the reference petition as the same was solely based on the statement under Form 19, prepared by the Land Acquisition Officer. He further points out that the mistake in the reference while mentioning the details of the land under acquisition was on account of a *bona fide* error as two separate chunks of land measuring 772 Kanals 16 marlas and 118 kanals and 1 marla was acquired, however, by mistake the details of same land measuring 772 kanals 16 marlas was mentioned in both the references and thus, the amendment sought for being based on the revenue record as well as record available with the Land Acquisition Officer was very much necessary.

4. I have heard learned counsel for the petitioner and gone through the paper book. I am unable to find substance in the submissions made on behalf of learned counsel for the petitioner.

5. In the present case, a perusal of record shows that two separate chunks of land measuring 772 Kanals 16 marlas and 118 Kanal 1 marla situated within the revenue estate of Village Ramgarh, Tehsil and District Panchkula, belonging to the petitioners as well as respondent No.1 came to be acquired vide notifications dated 26.06.1989 and 25.06.1990 issued under Sections 4 and 6 of the Land Acquisition Act 1892 respectively followed by an Award dated 27.06.1992 under Section 11 thereof.

6. Aggrieved of the assessment of compensation made in the aforementioned Award, two separate references were filed i.e. LAC No.100 of 1995 pertaining to 722 kanal and 16 marlas and LAC No.73 of 1999 pertaining to land measuring 118 kanals 1 marla, however, a perusal of record shows that on account of inadvertent error, details of 772 kanal 16 marlas of land was mentioned in paragraph No.1 in both the references.

7. An application came to be filed at the instance of respondent No.1 seeking permission to amend Para No.1 of reference (LAC No.73 of 1999) so as to replace the land measuring 722 kanals 16 marlas with land measuring 118 kanals 1 marla, based upon Form 19 prepared by the Land Acquisition Officer in terms of LAC No.73 of 1999. The Reference Court upon consideration of the matter and relying upon Form 19 (Statement No. 19) supported by an affidavit dated 22.03.2011 submitted by the Land Acquisition Officer wherein it was clarified that the land relating to LAC No.73 of 1999 was actually 118 kanals 1 marla, allowed the application filed at the instance of respondent No.1. In fact the amendment was claimed so as to bring the true and correct facts before the Reference Court and the same is definitely going to help it to decide the rights of the parties in a complete and effective manner. Thus the impugned order does not warrant any interference especially in view of the fact that amendment sought for is based on the records of the Land Acquisition Officer in the shape of Form 19 (Statement No.19) besides thus being no *mala fide* attributable to respondent No.1 as well as the official respondents being also benefited from it.

8. Accordingly, in view of the aforesaid terms, present revision petition is dismissed.

(HARKESH MANUJA)
JUDGE

06.10.2023
anil

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