

²⁶⁴ **IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-10527-2019

Decided on:-03.10.2023

Champa Devi

....Petitioner...

VS.

State of Haryana and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. R.S. Mamli, Advocate for
Mr. Vivek Khatri, Advocate,
for the petitioner.

Mr. Shivendra Swaroop, DAG, Haryana,
for respondents No.1, 4 and 5.

Mr. R.S. Madan, Advocate,
for respondents No.2 and 3.

Mr. Ashish Kapoor, Advocate,
for respondents No.7 and 8.

HARKESH MANUJA J. (Oral)

1. By way of present writ petition, challenge has been laid to the judgment dated 17.04.2018 passed by the Reference Court-cum-Additional District Judge, Hisar, whereby, reference petition filed under Section 3 H(4) of the National Highways Act, 1956 (hereinafter referred to as “1956 Act”), at the instance of petitioner-landowner, has been decided on merits, without affording opportunity to respondents No.7 and 8.

2. Learned counsels for the parties are *ad idem* that the matter be remanded to the Reference Court as no adequate and due opportunity was afforded to the Indian Oil Corporation Ltd. by the Reference Court before passing the impugned award/judgment, on account of its improper

impleadment.

3. In view of the aforementioned common stand taken by the learned counsels representing the parties, the award/judgment dated 17.04.2018 passed by the Reference Court is hereby set aside especially, the same being passed without granting opportunity to respondents No.7 and 8 which happen to be interested person, the matter is remanded to the Reference Court for its fresh adjudication after affording adequate opportunity to the Indian Oil Corporation Ltd. to defend the reference petition by filing written statement as well as leading evidence in support of its defence.

4. One of the other reasons for setting aside the impugned award/judgment is that the Indian Oil Corporation Limited was never impleaded as party in the reference petition by mentioning correct particulars.

In view of the fact that the land stands leased out in favour of Indian Oil Corporation Ltd. by virtue of lease deeds dated 17.12.1996 and 20.02.2014, its proper impleadment was necessary for the complete and effective adjudication of the reference petition.

5. In view thereof, the Indian Oil Corporation Ltd., through its Divisional Manager, Divisional Office, Dabra Road, SCO No.40-41, Sector 13-P, Hisar, District Hisar is ordered to be impleaded as respondent No.5 in LAC Case No.18 of 2015 and the Reference Court is requested to decide the matter afresh in the aforesaid terms. The parties are directed to appear before the Reference Court on 31.10.2023.

6. Considering the fact that the acquisition proceedings

commenced on 29.06.2015, the Reference Court is requested to dispose of the matter expeditiously, preferably within a period of one year from today.

7. Disposed of accordingly.

03.10.2023
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(HARKESH MANUJA)
JUDGE

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