

²⁴⁸ **IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-13165-2023

Decided on:-14.07.2023

Dalbir Singh

....Petitioner..

VS.

Union of India and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Inder Pal Goyat, Advocate,
for the petitioner.

None for respondent No.1.

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

Mr. Abhinash Jain, DAG, Haryana,
for respondent No.4.

HARKESH MANUJA J. (Oral)

1. By way of present writ petition, challenge has been made to an order dated 17.01.2023 passed by the Deputy Commissioner-cum-Arbitrator, Fatehabad, declining an application filed at the instance of petitioner-landowner, seeking amendment of award dated 24.01.2019.

2. In the present case, land owned by the petitioner, situated in the revenue estate of Village Bhoda, Hoshnak, Tehsil and District Fatehabad was acquired vide notification dated 04.07.2006 issued under the provisions of National Highways Act, 1956 (for short, "1956 Act") wherein, award was passed by the District Revenue Officer-cum-Competent Authority of Land Acquisition, Fatehabad on 21.01.2015.

3. Aggrieved of the amount of compensation assessed by the competent authority, the petitioner-landowner sought reference under Section 3-G (5) of the 1956 Act, wherein, the arbitral award was passed by the Additional Deputy Commissioner-cum-Arbitrator, Fatehabad on 24.01.2019.

4. As per the case set up in the petition, some typographical error was committed on the part of the petitioner while filing reference petition before the Arbitrator, wherein he failed to mention the land falling in Khasra Nos. 21//13/1 (1-3) and 18//1/2 (3-0). In this regard, the petitioner moved an application seeking amendment of award dated 24.01.2019 passed by the Additional Deputy Commissioner-cum-Arbitrator, Fatehabad, seeking inclusion of the aforementioned khasra numbers and for grant of enhanced compensation pertaining to the same as well. The aforesaid application came to be dismissed by the Deputy Commissioner-cum-Arbitrator, Fatehabad, vide its order dated 17.01.2023, which has now been impugned by way of present petition.

5. Today, written statement filed on behalf of respondents No.2 and 3 in Court is taken on record. Be tagged at appropriate place. A copy thereof has been supplied to the learned counsel for the petitioner.

6. Learned counsel for respondents No.2 and 3 very fairly submits that in case a fresh reference petition invoking Section 3-G (5) of 1956 Act, pertaining to the aforementioned khasra Nos.21//13/1 (1-3) and 18//1/2 (3-0) is initiated at the instance of petitioner-landowner, the same shall be entertained on merits without raising any plea of limitation.

7. Considering the fact that no perversity can be found in the order

dated 17.01.2023 passed by the Deputy Commissioner-cum-Arbitrator, Fatehabad, who had become *functus officio* with the passing of award dated 24.01.2019 and thus, had no authority or jurisdiction to entertain any such application for seeking amendment in the award. Nonetheless, in view of the statement made by learned counsel representing respondents No.2 and 3, the petitioner is granted liberty to move another reference application invoking Section 3-G (5) of 1956 Act, pertaining to the left over/remaining land falling in khasra Nos. 21//13/1 (1-3) & 18//1/2 (3-0) and in case, any such application is filed before the concerned authority within a period of 30 days from today, the same be entertained on merits without taking any objection as regards the same being barred by limitation. However, it is made clear that the petitioner will not be entitled to interest for the period, he failed to invoke reference pertaining to the land falling under the aforesaid two khasra numbers.

8. Considering the fact that the acquisition in the present case pertains to the year 2014 and in case, any reference as aforesaid is moved at the instance of the petitioner, the same shall be decided within a period of one year thereafter.

9. The present writ petition stands disposed off in the aforesaid terms.

14.07.2023
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(HARKESH MANUJA)
JUDGE

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