

CR-3707 of 2023 (O&M)

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

CR-3707 of 2023 (O&M)
Reserved on: 03.08.2023
Pronounced on: 21.08.2023

Jai Lal

.....Petitioner

vs.

Land Acquisition Collector cum District Revenue Officer and others
.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Argued by:

Mr. Randhir Singh Hooda, Advocate,
for the petitioner.

NAMIT KUMAR, J. (ORAL)

CM-11351-CII of 2023

1. This application has been filed by the applicant-petitioner under Section 151 CPC seeking exemption from filing certified copies of Annexures P/1 to P-4.

2. Allowed as prayed for.

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1. Through this revision petition under Article 227 of the Constitution of India challenging the order dated 14.06.2023 passed by the Court of learned Civil Judge (Junior Division), Gurugram, whereby application filed by the petitioner for *ad interim* injunction has been declined.

2. Brief facts, relevant for disposal of the present case are that vide

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award dated 26.11.2018 defendant-respondents acquired the land measuring 2715 kanals 17 marlas, Tehsil Manesar, District Gurugram, for setting up of Ch. Devi Lal Industrial Model Township to be planned as an integrated complex for residential recreational and other public utilization. It is the case of the plaintiff-petitioner that he and his mother Smt. Chhoti were owners in possession of 1/2 share each of the land measuring 74 kanals 6 marlas, which is also part of the aforesaid acquired land. Petitioner filed an application in civil suit No.1705 of 2023 titled “Jai Lal v. Land Acquisition Collector-cum-District Revenue Officer, for restraining the defendants from releasing the amount of award in favour of some other persons other than the plaintiff. The said application has been dismissed by learned Civil Judge (Junior Division), Gurugram, vide impugned order dated 14.06.2023.

3. Learned counsel for the petitioner contended that impugned order suffers from illegality and perversity. He contended that the Court below failed to appreciate that plaintiff-petitioner is entitled to the awarded compensation and civil litigation was pending between the parties, therefore, authorities should be restrained from disbursing the awarded compensation in favour of the persons other than the petitioner.

4. I have heard learned counsel for the petitioner and perused the record.

5. Admittedly, civil litigation is pending before the civil Court *qua* ownership of the disputed property, which is also the part of acquisition. Therefore, at this stage without adjudication of the civil litigation, it cannot be said that petitioner is entitled for the amount of compensation.

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The petitioner has filed reference petition under Section 30 of the Land Acquisition Act which does not entitle him to get stay automatically against the defendants from disbursing the awarded amount. Moreover, detailed reply from the defendants has been sought to the main suit and the stay applications. The petitioner has unnecessarily rushed to this Court without final adjudication of his stay applications. Further, the said acquisition relates to the year 2004 and the petitioner is claiming to be the co-owner of the said land on the basis of gift deed registered vide vasika No.1235 dated 27.08.1966. Thus, I do not find any illegality or perversity in the impugned order, which may call for any interference by this Court.

6. Dismissed.

21.08.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No