

^{264-a} **IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-13829-2018

Decided on:-28.08.2023

Harijan Residence Welfare Society Chandawli, Faridabad
thr. its President Kamal Singh

....Petitioner..

vs.

State of Haryana and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Kul Bhushan Sharma, Advocate,
for the petitioners.

Mr. RKS Brar, Additional Advocate General, Haryana,
for respondents No.1 and 2-State.

Mr. P.S. Saini, Advocate,
for respondent No.3-HSIIDC.

Mr. Aditya Jain, Advocate,
Mr. Rahul Vohra, Advocate and
Mr. Shivjot S. Modgil, Advocate,
for respondent No.4-Gram Panchayat

HARKESH MANUJA J. (Oral)

1. By way of present writ petition, prayer has been made for issuance of directions to respondent No.2 to refer the matter in dispute regarding apportionment of compensation to the reference Court in exercise of powers under Section 30 of the Land Acquisition Act, 1894 (herein after referred to as “1894 Act”).

2. Briefly stating, certain land situated within the revenue estate of Village Chandawli, District Faridabad, came to be acquired for the purpose of development and establishment of Industrial Mini Township, regarding

which, award No.5 dated 22.07.2008 was passed.

3. Claiming themselves to be owner of the property under acquisition, the petitioner filed reference under Section 30 of the 1894 Act, before respondent No.2, seeking apportionment of compensation, which is pending consideration before respondent No.2 without there being any adjudication thereupon.

4. Considering the fact that the dispute regarding apportionment of compensation has been raised at the instance of petitioner claiming itself to be owner of the land, the same cannot be adjudicated upon either by this Court or by the Land Acquisition Collector and thus, needs to be referred to the Reference Court for its determination in exercise of powers under Section 30 of the 1984 Act.

5. In view of the above, respondent No.2 is requested to refer the matter regarding the apportionment of compensation in respect of the land in question to the reference Court in exercise of powers under Section 30 of the 1984 Act. Let the needful be done within 6 weeks from today. At the same time, it is also clarified that respondents would also be at liberty to take all pleas before the reference Court including the one regarding locus standi of the petitioner.

6. Accordingly, the present petition stands disposed of.

28.08.2023

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No