

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

CWP-24941-2017

Date of Decision: September 19, 2023

RAM NATH AND OTHERS

..... Petitioners

Versus

STATE OF HARYANA AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Yogesh Goyal, Advocate for the petitioners.
Mr. Abhinash Jain, DAG, Haryana for respondents No.1-4.
Mr. Abhimanyu Singh, Advocate for respondents No.5-7.

HARKESH MANUJA, J. (ORAL)

By way of present writ petition, prayer has been made for issuance of directions to respondents to release the payment of compensation in favour of petitioners on account of acquisition of 2 kanals and 5 marlas of land owned by them by virtue of sale deed dated 04.09.1995.

2. Learned counsel for the petitioners submits that on an earlier occasion the petitioners approached this Court for the same relief by way of CWP-18981-2016 which was disposed of vide order dated 14.09.2016 with the following directions:-

“The compensation amount in respect of the disputed property has not been released so far. Since petitioners are claiming themselves to be the true owners on the strength of registered sale-deed duly upheld by Civil Court, we dispose of this writ petition with liberty to the petitioners to file either a petition under Section 30 of the 1894 Act or put up their claim before the Land Acquisition Collector who shall, after hearing the parties, determine the ownership issue and release the due amount of compensation in accordance with law within a period of four months from the date of receipt of a certified copy of this order.”

3. In pursuance thereof, the petitioners presented a detailed representation dated 26.09.2016 before respondent no.2 which came to be disposed of vide order dated 24.09.2018 thereby sending the dispute to Reference Court in terms of Section 30 of Land Acquisition Act, 1894 (hereinafter referred to as 1894 Act) while recording the following:-

“I have heard the parties and perused the record available in the office and given by the parties. Admittedly, as per the record the applicants have purchased the land in dispute vide sale deed no.9720 on 04.09.1995, which was duly registered in the office of the Sub-Registrar, Gurgaon but the dispute arises between the parties regarding the land in question. Moreover, the applicants-petitioners are not completely sure whether the respondents have filed any appeal against the order passed by the 28.08.2014.

In view of the discussion made above, I referred the present petition/objections filed by applicants/petitioner's before the Reference Court for adjudication along with the compensation amount of the land in dispute. Parties are directed to appear before the reference Court.”

4. Learned counsel for the petitioners submits that the matter has been sent to the Reference Court by respondent No.2 with the observation that the petitioners were not completely sure about the filing of any appeal before this Court by the private respondents assailing the judgment and decree dated 28.08.2014 passed in their favour. He however submits that to the best of his knowledge, private respondents never assailed the judgment and decree dated 28.08.2014 passed in favour of the petitioners and thus the respondent No.2 went wrong while sending the dispute to Reference Court while invoking Section 30 of 1894 Act.

5. On the other hand, learned State counsel has not been able to point out anything to the contrary so as to refer to any filing/pendency of appeal before this Court arising out of judgment and decree dated

28.08.2014, passed in favour of petitioners.

6. In view of the aforesaid stand taken by the parties, the order dated 24.09.2018 passed by respondent No.2 which, though has not been assailed specifically before this Court in the present writ petition, however, the same having been passed during its pendency, is thus set aside with a request to respondent No.2 to decide the matter afresh after hearing the petitioners as well as the private respondents subject to verification about the factum of filing/pendency of any appeal arising out of judgment and decree dated 28.08.2014 passed in favour of the petitioners.

7. Considering the fact that acquisition proceedings in the present case were initiated in the year 2010, respondent No.2 is requested to conclude the aforementioned consideration within a period of two months from the date of receipt of certified copy of this order after hearing the petitioners and by passing a speaking order. It shall be appreciated that in case the order passed by respondent No.2 is immediately served upon the petitioners.

8. In case the petitioners are found entitled for release of compensation in pursuance to judgments and decrees passed in their favour by Civil Court, the amount of compensation forwarded by respondent No.2 before the Reference Court shall be immediately requisitioned and released in favour of petitioners along with the statutory interest.

9. Disposed of in the aforesaid terms.

10. Pending application(s), if any, shall also stand disposed of.

19.09.2023
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
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