

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

CR-7245-2019

Date of Decision: October 05, 2023

PUNJAB WAQF BOARD

..... Petitioner

Versus

**ESTATE OFFICER CUM LAND ACQUISITION COLLECTOR AND
OTHERS**

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Shoaib Khan, Advocate for the petitioner.
Mr. Ashish Grover, Advocate for respondent No.1.

HARKESH MANUJA, J. (ORAL)

By way of present revision petition, prayer has been made for setting aside of the order dated 04.04.2019 passed by the learned Reference Court-cum-Addl. District Judge, Gurdaspur whereby, a petition filed under Section 30/31 of Land Acquisition Act, 1894 (hereinafter referred to as 1894 Act) submitted at the instance of respondent No.1 stands declined.

2. In the present case, land comprised in Khasra No.65//23/2(5-10) and 86//3(7-12), situated in village Batala Sikri, District Gurdaspur came to be acquired vide notifications dated 05.09.2013 and 12.08.2014 issued under Sections 4 and 6 of 1894 Act followed by an award dated 15.07.2016.

3. Before the amount of compensation could be disbursed a dispute arose between the petitioner and respondent No.2 as regards its apportionment. Faced with this, the respondent No.1 moved an application under Section 30/31 of 1894 Act before Reference Court seeking permission to deposit the compensation amount besides

CR-7245-2019

-2-

seeking appropriate directions as regards its disbursement.

4. Upon notice, the petitioner as well as respondent No.2 filed their separate written statement. The Reference Court vide order dated 04.04.2019 disposed of the petition filed at the instance of respondent No.1, operative portion thereof reads as under:-

“Reply to the application u/s 30/31 of Land Acquisition Act, 1894 filed today.

Perusal of record reveals that this is an application moved under Section 30/31 of Land Acquisition Act, 1894 for payment/deposit of the compensation amount. Respondents have been informed and respondents even filed reply to application in hand, meaning thereby, A sufficient notice has been given to respondent with regard to deposit of amount in question. In these circumstances, there remains no ground to continue with the application in question. Hence, application stands disposed of accordingly.

File be consigned to record room, Gurdaspur.”

5. A perusal of the aforementioned order shows that the Reference Court-cum-Addl. District Judge, Gurdaspur has failed to exercise jurisdiction vested in it in terms of Section 30 of 1894 Act. Once the dispute regarding apportionment of compensation was brought before the Reference Court at the instance of Land Acquisition Collector itself, the Reference Court was statutorily under an obligation to adjudicate upon the issue of entitlement of the parties concerning their claims towards the disbursement of compensation. However, no such exercise has been carried out by the Reference Court. Neither the parties were afforded any opportunity to lead evidence in support of their contested claims nor, any adjudication thereupon has been made.

CR-7245-2019

-3-

6. In view of the discussion made hereinabove, the impugned order dated 04.04.2019 passed by the Reference Court-cum-Addl. District Judge, Gurdaspur is hereby set aside and the matter is remanded before the Reference Court for its fresh adjudication upon grant of adequate opportunity to the contesting parties so as to lead evidence in support of their respective claims.

7. Considering the fact that the acquisition proceedings in the present case commenced in the year 2013, the Reference Court is requested to adjudicate upon the matter as expeditiously as possible preferably within a period of one year from today. In addition, respondent No.1 is directed to deposit the amount of compensation with the Reference Court within a period of four weeks from today, if not deposited so far.

8. Disposed of in the aforesaid terms.

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

05.10.2023
tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>