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Civil Revision No. 6976 of 2023 (O&M) and
Civil Revision No. 6980 of 2023 (O&M)

Neutral Citation No. 2023:PHHC:160910

127+128

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

(1)

Civil Revision No. 6976 of 2023 (O&M)
Date of Decision: 24.11.2023

State of Haryana and others

..... Petitioners

Versus

Birkhe Ram (now deceased) through LRs

..... Respondents

(2)

Civil Revision No. 6980 of 2023 (O&M)

State of Haryana and others

..... Petitioners

Versus

Chanderpati and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Shivendra Swaroop, Deputy Advocate General, Haryana
for the petitioner(s)-State of Haryana (in both cases)

HARKESH MANUJA, J.

This order of mine shall dispose of the above two revision petitions filed against the impugned orders of learned Executing Court, whereby the applications filed by the respondents for submitting revised Statement No. 19 by the petitioners were allowed. As factual matrix and application of law in both the cases is similar, they are being discussed together. For the sake of convenience, facts are being taken from CR-6976-2023.

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Brief facts of the case are that the land acquired out of the

holdings of respondent(s)/landowner was 11 Kanal 7 Marlas, but in

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Statement No. 19 of LAC No. 10/2012, only 9 Kanal 6 Marlas land was shown by petitioner No 2. On the basis of the said Statement No.19, Reference Petition filed by the respondent(s)/landowner, invoking Section 18 of Land Acquisition Act, 1894 (hereinafter to be referred as “1894 Act”) was decided on 29.01.2015, while the appeal filed by the respondent(s) (*i.e. RFA-401-2016, titled as ” Birkhe Vs. State of Haryana ”*) was disposed of by this Court on 22.07.2016.

[3] Subsequently during execution, respondent(s) filed application before the Executing Court for directing the petitioners for submitting revised Statement No. 19, while pleading that Section 19 of 1894 Act, casts duty upon Land Acquisition Collector (in short “LAC”) to submit complete details of the acquired land, belonging to an individual landowner, in the Statement No. 19 with the reference petition and placed reliance upon the case of ***”Ram Kumar Vs. Union of India 1991(1) R.R.R. 548”***. The Executing Court, vide order dated 20.05.2023, allowed the application filed by the respondent(s) and directed the petitioners to furnish revised Statement No. 19. It is this order which has been impugned by way of present revision petition.

[4] Learned State Counsel submits that no amendment of Section 18 reference was sought by the respondents regarding the left out Killa numbers during trial before Reference Court in LAC-10/2012 or even in RFA-401-2016 before this Court and thus, filing of amended Statement No. 19 at the belated stage of execution should not have been allowed.

[5] I have heard learned counsel for the petitioner-State and gone through the paper-book.

[6] The aspect whether amended Statement/Form No. 19 can be filed directly before the Executing Court has been discussed by this Court at length in case bearing CWP-7225-2023, titled as "***Amit @ Amit Bhadana vs. State of Haryana & Others***", wherein, it was categorically held that in view of the mandate of Section 19 of 1894 Act, the LAC is bound by the statutory duty to submit Form No. 19 before the Reference Court by giving the correct and complete details of the land acquired from the individual landowner. It was further held by this Court that if there exist a portion of the land, which was acquired from the landowner but failed to find mention in the Form No. 19 filed before the Reference Court, Executing Court can directly call for amended Form No.19 from LAC and proceed further.

In view of the discussion held above, no fault can be found with the impugned order which is also based on the similar premise.

[7] Learned State Counsel has, however, raised another objection that in CR-6980-2023, respondents-landowners approached the Executing Court after a substantial delay and, therefore, this case is covered by the case of "***Sadhu Ram and others vs. State of Haryana***", reported as ***2010(2) PLR 445***, and distinction drawn by this Court in ***Amit Bhadana's case (supra)*** is not applicable in the present case.

[8] There is no denial to the fact that in CR-6980-2023, respondents-landowners initially received the enhanced compensation only for 8 kanals and approached the Executing Court for remaining 16 kanals of land after a substantial delay. But it is also required to be taken into consideration that once the execution petition was filed within the statutory period of limitation as provided under Article 136 of the Schedule of the

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Limitation Act, 1963 and the 1894 Act being a piece of beneficial legislation, which lays down a complete procedure for providing compensation to the landowners, the petitioner-State cannot be permitted to raise any such plea of delay and laches, so as to cover up non-performance of its own statutory obligation.

[9] In the facts and circumstances of the present case, it cannot be said that the Executing Court has acted beyond its jurisdiction or there is any illegality or material irregularity in the same, rather as discussed above, it is completely in consonance with law. Only hesitation is that respondents approached the Court after a substantial delay, however, at the same time, it cannot also be ignored that respondents have been deprived from receiving the entitled compensation on account of the fact that petitioner No. 2 failed to perform his duty diligently, vested in it statutorily. Therefore, it cannot be the appropriate ground to interfere with the impugned order, while exercising the revisional jurisdiction.

[10] In view of the discussion made above, both the revision petitions are hereby **dismissed**.

[11] Pending miscellaneous application(s), if any, shall also stand disposed off.

November 24, 2023
'dk kamra'

(HARKESH MANUJA)
JUDGE

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