



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

LPA No.1322 of 2024 (O&M)
Date of Decision: 06.08.2024

State of Haryana & Others
...Appellants
Versus
Veenu Calvin Bhatti & Another
...Respondents

CORAM: HON’BLE MR. JUSTICE G.S. SANDHAWALIA
HON’BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Ankur Mittal, Additional AG, Haryana with
Mr. Saurabh Mago, DAG, Haryana,
for the appellants.

* * * *

G.S. SANDHAWALIA J. (Oral)

Consideration in the present letters patent appeal filed by the State is to the judgment dated 02.11.2023 passed by learned Single Judge in CWP No.5139 of 2020 wherein the writ petition filed by respondent No.1 had been allowed with directions to respondent No.3 to pay an interim compensation to the petitioner at the current collector’s rate and to initiate acquisition proceedings in accordance with Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 within a period of one month. The parcel of land in dispute concerns khasra No. 90//2 (2 kanals 19 marlas) and 90//10 (2 kanals 4 marlas).

2. It has been brought to our notice that though, there is an admission in the written-statement filed by respondent No.1 that there was no record available regarding acquisition related to the said khasra numbers for



the land falling within the Revenue Estate Garhi Harsaru. Apparently, in such circumstances, the writ petition has been allowed. It is, however, pointed out that certain factual aspects could not be projected before learned Single Judge inasmuch as, even the acquisition of both the khasra numbers in question was by Industries Department who was not party in the writ petition.

3. It is submitted that regarding the land falling in khasra No.90//2 measuring 2 kanals 19 marlas, the writ petitioner had also filed CWP No.6081 of 2007 regarding a larger chunk of land which is stated to be pending on remand after having been decided on 07.11.2016 in a bunch of cases lead case of which was CWP No.856 of 2006 titled "***M/s Trim India Pvt. Ltd. vs. State of Haryana & Ors.***". Therefore, having got dispossession stayed, the matter being still subjudice, interim compensation could not be directed in the facts and circumstances, which aspect could not be brought to the notice of learned Single Judge by the appellant and was concealed by the land-owners.

4. Regarding khasra No.90//10 (2 kanals 4 marlas), it is the case of the appellants that admittedly, the land was acquired by the NHAI which would be clear from the reply filed by it during the present proceedings wherein they have submitted that they acquired 7 kanals 7 marlas vide Award dated 17.10.2018 and Rs.9,02,28,378/- was deposited. It is, thus, submitted that the land-owner had benefited from withdrawing the said amount of her share which was on account of the fact, the State has not made the necessary entries in the revenue record, even though, the Industries Department was the owner on account of the earlier Award dated 27.01.2006.

5. Keeping in view the above, we are of the considered opinion that in view of the peculiar facts and circumstances of the case, it would be open to the State to file a Review Application in view of the conduct of the land-



owners and place the relevant material before learned Single Judge for re-consideration. It is pointed out that the Contempt Petition has already been preferred which is now pending for 03.09.2024. Keeping in view the above, the order of learned Single Judge shall remain in abeyance for a period of two months till October, 2024. It is also open to the State to press for the continuation of the said order. Needless to say that if learned Single Judge does not accept to the said Review Application then, the State may agitate the same by way of a separate appeal as we have not decided on merits. The appeal is disposed of accordingly.

6. All the pending application(s), if any, stand disposed of accordingly.

(G.S. SANDHAWALIA)
JUDGE

August 06, 2024
seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*
Whether Reportable: *No*