

CR-6423-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CR-6423-2023 (O & M)
Date of decision: 07.03.2024

STATE OF HARYANA AND OTHERS ...Petitioners

Versus

TARAWATI AND OTHERS ...Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Shivendra Swaroop, DAG, Haryana,
for the petitioners.

RAJBIR SEHRAWAT, J. (Oral)

1. The present revision has been filed challenging the order dated 20.05.2023 passed in Execution bearing No.279 of 2016, by the Court of Addl. District Judge, Jhajjar, whereby the application filed by the respondents for furnishing/submitting revised statement-19, has been allowed.
2. It is not even in dispute that the respondents had moved application seeking reference under Section 18 of the Land Acquisition Act (for short, 'the Act'), though the quantum of the acquired land mentioned in the reference was lesser than the total land actually acquired by the State. In this situation, the land owner could not have been put to disadvantage only because his entire land was not mentioned in the application seeking reference. The land owner is not even required to describe the complete details of the land while seeking reference because he is required to make that application to the Land Acquisition Collector, who had acquired the

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land, and even as mandated under Section 19 of the Act, it is the job of the Land Acquisition Collector to give details of the land to the Reference Court; qua which the enhancement is to be considered by the Reference Court. If everything was required to be done by the land owner, then there would not have been any requirement of routing the application for seeking reference to the Reference Court through the Land Acquisition Collector. In that situation, it would have been an independent right of the land owner to directly go to the Reference Court and to seek enhancement of the market value of the land, as considered appropriate by him. Since the details of the land are actually available with the LAC only and the land owner can be an illiterate poor person as well, therefore, the Act prescribes that the application for reference has to be routed through the Land Acquisition Collector; and once such an application is moved by the land owner, then it is the duty of the Collector to put up the entire matter before the Reference Court by giving details of the land of the person, who has made an application seeking reference. The aforesaid view of this Court finds support from the judgment of the Hon'ble Supreme Court rendered in Ram Kumar Vs. Union of India 1991(1) R.R.R. 548.

3. Although counsel for the petitioner has submitted that the land owner was required to seek amendment of the Reference which was made qua him, so as to give full particulars of total land acquired, however, as this Court has observed above, the land owner was not even required to give any details; and it was the job of the Collector to provide the complete details of the land of the aggrieved land owner, therefore, there is no question of the land owner seeking any amendment of the Reference, as

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such. The entire matter was well within the knowledge of the Land Acquisition Collector, who was also a party before the Reference Court when market value was being re-determined. Therefore, the market value of the land was determined in the presence of the Land Acquisition Collector. Hence; now, he cannot raise any grievance against direction to pay the amount of enhanced market value of the land, particularly so; because there is not even an argument that the land which was left out of mention in the Reference filed by the land owner, was having a different market value; than the land qua which the market value was determined by the Reference Court.

4. Viewed in this situation, this Court does not find any illegality or impropriety with the order passed by the Executing Court.

5. In view of the above, the present petition is dismissed.

07.03.2024

parveen kumar

(RAJBIR SEHRAWAT)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No