

2026:PHHC:080808



263-u **IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR-3512-2026 (O&M)
Decided on:-21.05.2026

Samander Singh and another

....Petitioners..

VS.

The Land Acquisition Collector-cum-District Revenue
Officer and ors.

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.Ritesh Tomar, Advocate,
for the petitioners.

Mr. Abhinav Kalia, DAG, Haryana,
for respondent No.1.

Mr. Ashish Kapoor, Advocate with
Mr. M.S.Rana, Advocate,
for respondent No.2.

Ms. Shruti Jain, Advocate,
for respondent No.3.

HARKESH MANUJA J. (Oral)

1. By way of present revision petition, challenge has been laid to an order dated 13.04.2026 (Annexure P-9) passed by the learned Additional District Judge, Palwal, whereby, issues have been framed with respect to the apportionment and disbursement of amount in the wake of petition filed under Section 3-H (4) of the National Highways Act, 1956 (for short, "1956 Act) read with Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act,

2013 (for brevity, “2013 Act”, at the instance of petitioners-landowners.

2. In the present case, 1 kanal & 3 marlas of land owned by the petitioners forming part of the revenue estate of Village Chandhut, Tehsil and District Palwal, came to be acquired vide notifications dated 29.02.2024 and 20.01.2025, issued under Sections 3(A) and 3(D) respectively of the 1956 Act, followed by an award under Section 3-G passed on 30.05.2025 with respect to the land value.

3. Pertinently, the aforementioned 1 kanal & 3 marlas of land owned by the petitioners was leased out by them in favour of Hindustan Petroleum Corporation Limited (hereinafter referred to as “HPCL”) for setting-up of petrol-pump, which was running at the time of acquisition of land in the year 2024. The petitioners-landowners while claiming the amount of compensation of the land value, preferred petition under Section 3-H(4) of the 1956 Act read with Section 64 of the 2013 Act as against the National Highway Authorities as well as HPCL i.e. being the lessee-owners. In those proceedings, the respondents appeared and submitted their No Objection Certificate (NOC) dated 09.12.2025 with respect to release of compensation to petitioner-Suman Chaudhary i.e. the lessor and to the same effect written statement was also filed on 07.04.2026 with the following operative portion:-

“In view of the aforesaid facts and circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased to dispose of the present reference bearing No. LAC-03-2006 under Section 3H(4) of the National Highways Act, 1956 as having been rendered infructuous in view of the issuance and placement on record of the requisite No Objection Certificate (NOC) by the respondent No. 3, i.e., Hindustan Petroleum Corporation Limited and consequently direct the disbursement/release of the

compensation amount in favour of the rightful claimants in accordance with law.

It is further prayed that this Hon'ble Court may be pleased to recognize and protect the right of the respondent No. 3 to claim compensation in respect of the installations, structures, plant, machinery. and other assets situated on the acquired portion of the leased land and permit the respondent No. 3 to submit and pursue its claim in accordance with law”

3.1 As noticed hereinabove, though a specific NOC was given by the lessee i.e. HPCL in favour of the landowner with respect to the release of compensation with respect to the acquisition of land, however, the learned Reference Court vide order dated 13.04.2026 went on to frame the following issues:-

- “1. *Whether respondent Nos. 1 & 2 being owner of the land acquired i.e., Khewat No. 596, Khatoni No. 600 min, Rect. No. 230, Killa No. 14/2 min (0-3), 17/1(1-0) total measuring 1 Kanal 3 Marlas situated within the revenue estate of Village Chandhut, Tehsil & District Palwal are entitled to whole compensation? OPR 1 & 2*
2. *Whether respondent No.3 being lessee of the above-mentioned land is entitled to any part of compensation and if yes, to what extent?OPR3*
3. *Whether this reference petition is to be adjourned till decision of Arbitration case No.34 filed before learned Arbitrator/DC Palwal under Section 3G(5) National Highway Act, 1956 for modification in award No.5 dated 30.05.2025 passed by CALA on the ground mentioned in the reply?OPR4.*

4. Learned counsel appearing on behalf of respondent No.2 still stands by the NOC as well as the written statement tendered before the learned Reference Court.

5. I have heard learned counsel for the parties and gone through the paper book.

6. Apparently, once there was no dispute between the petitioners and respondent No.2 i.e. the lessor and the lessee of the acquired land with respect to the disbursement of the land value in favour of the petitioners-landowners (lessor) as against the acquired portion, it was wholly uncalled for at the instance of learned Reference Court to have framed the issues in this regard. In such circumstances, the order dated 13.04.2026 (Annexure P-9) passed by the learned Additional District Judge, Palwal, is hereby set aside. The learned Reference Court is requested to release the disputed amount of compensation in favour of the petitioners-landowners within 15 days from today. However, upon passing of the supplementary award with respect to the structure and other fittings in relation to the petrol pump in operation at the time of acquisition, the same shall be dealt with independently, in accordance with law as per the claims set-up by the respective parties as per their entitlement. Further, the learned Reference Court to also decide the claim made by the petitioners-owners towards enhancement of market value as per the evidence and the other relevant material to be brought on records of the pending reference.

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

21.05.2026

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No