
(1996) 01 P&H CK 0102
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 11587 of 1995

Hari Kishan

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 08-01-1996

Acts Referred:

Land Acquisition Act, 1894 — Section 18

Citation : (1997) 1 ILR (P&H) 49 : (1996) 112 PLR 662

Hon'ble Judges : Sat Pal, J;M.S. Liberhan, J

Bench : Division Bench

Advocate : G.N. Saini, for the Appellant; R.C. Setia, Addl. A.G., for the Respondent

Judgement

M.S. Liberhan and Sat Pal, JJ.—Only dispute left is with respect to khasra No. 94/3/2 regarding which the petitioner had claimed compensation u/s 18 of the Land Acquisition Act as having not been paid to him and paid to some other person. Petitioner's prayer is that the claim be referred to the District Judge for determination of payment of compensation. Learned counsel for the respondents has refuted the contention on the ground that the amount of compensation has already been paid to the person recorded as owner in the revenue record and the Collector has already decided the question of title and paid the compensation to a different person who has been prima facie shown to be owner in the revenue record. Secondly, the petitioner has no right to claim compensation u/s 18 of the Land Acquisition Act.

2. We find force in the submission made by learned counsel for the petitioner. In view of Section 18 of the Act, the Collector has got no right to determine the title with respect to the property and if any compensation has not been paid to the petitioner, who claims to be owner, it is only the statutory arbitrator i.e. the District Judge, who can determine the rights of the parties i.e. the liability of the State to pay compensation to the claimant. The above view finds full support from Sham Lal and Ors. v. Ujagar Singh (died) represented by his L.Rs and Anr.

(1979)81 PLR 582, wherein it has been observed by the Division Bench of this Court that the land Acquisition Collector has got no judicial power to determine the right and title claim of the petitioner. Consequently, declining reference on this ground with respect to one Khasra number cannot be sustained. The respondents are directed to make reference of the entire claim of the petitioner to the District Judge wherein the State will be at liberty to take objection with respect to the title of the petitioner. In view of the observations made above, the respondents are directed to make reference within four weeks with respect to khasra number 94/3/2.

3. With this direction this writ petition stands disposed of.