

(2014) 02 P&H CK 0163
In the Punjab And Haryana At Chandigarh
Case No : C.R. No. 1223 of 2014

Vijay Kumar and Another

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 18-02-2014

Acts Referred:

Land Acquisition Act, 1894 — Section 18, 4

Citation : (2014) 2 RCR(Civil) 83

Hon'ble Judges : Rajiv Narain Raina, J

Bench : Single Bench

Advocate : Sanjay Mittal, Advocate for the Appellant

Final Decision : Allowed

Judgement

Rajiv Narain Raina, J.—The evidence of the petitioners has been closed by the Reference Court in proceedings under S. 18 of the Land Acquisition Act, 1894 (for short "the Act"). The order narrates the large number of opportunities granted to them to lead their evidence in support of plea of enhancement of compensation awarded by the Land Acquisition Collector. There has been failure to avail those opportunities. Learned counsel for the petitioners submits that there was a breach of communication between them and their counsel in the Reference Court which led to excessive adjournments even where last opportunity was been granted more than once.

2. Though the impugned order dated 05th December, 2013 passed by the learned Additional District Judge, Narnaul cannot be faulted but upholding the order would result in non-suiting the petitioners for all times to establish their case for enhancement of compensation for land acquired inter alia on the basis of production of comparable sale deeds involving third party transactions in the local area of the acquisition which may have been executed prior to the notification u/s 4 of the Act. The petitioners would gain nothing if the order is allowed to stand. It cannot be lost sight of that the petitioners' land has been acquired by an ex-proprietary law and the compensation to be paid to

dispossessed land owners comes from Government treasury. The ultimate winner, in case, the Court enhances compensation, would be the Government in the event the order is sustained. Therefore, in order to avoid miscarriage of justice, this Court intervenes and grants the petitioners an effective opportunity of producing material on record, evidence etc. in support of their case for enhancement but they must do so within reasonable time, in the discretion of the lower court exercised judiciously, from the date when this order is placed on the file of the learned Additional District Judge, Narnaul. Having reached thus far, I am compelled to set aside the impugned order dated 05th December, 2013 (P-1) which ex facie is neither illegal, erroneous nor without jurisdiction but for the predominant reason of doing substantial justice and to avoid any miscarriage of it perceived from the eyes of the dispossessed landowners. In human affairs delays can occur unintendedly and without ill motive by rural folk. In any case, the lis is against the Government and no third party rights are going to be trampled upon which may deserve to be protected by court. For the foregoing reasons this revision petition is accordingly allowed in the above terms.