

2025:PHHC:132824



**146 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP-14226-2020 (O&M)
Decided on:-22.09.2025**

Mahender Singh and others

....Petitioners..

vs.

The State of Haryana thr. the Commissioner and
Secretary to Govt. of Haryana, Urban Estates Deptt.
and another

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ashish Aggarwal, Senior Advocate with
Mr. Vishal Pundir, Advocate,
for the petitioners.

Mr. Jagdish Manchanda, Addl.A.G., Haryana.

Mr. Pritam S. Saini, Advocate,
for applicant-proposed respondent No.3-M.C.

HARKESH MANUJA J. (Oral)

CM-14179-CWP-2023

1. This is an application under Order 1 Rule 10 read with Section 151 CPC for impleading the applicant-Municipal Corporation, Rohtak as respondent No.3.
2. Despite notice, no reply has been filed on behalf of the petitioners.
3. I have heard learned counsel for the parties and gone through the contents of the application as well as paper book.

4. Neither any revenue record has been attached along with the present application so as to show that the land was *shamlat deh* and vested with the Gram Panchayat of Village Bohar; at the time of its acquisition nor even any notification has been attached so as to establish that the subject land, prior to its acquisition vested with the Gram Panchayat Bohar and thereafter, rights therein were transferred with the Municipal Corporation.

5. In such circumstances, finding no merits in the application, the same is hereby dismissed.

Main case

1. Present writ petition has been filed with the following prayer:-

“.....for issuance of writs in the nature of mandamus directing the respondent No.2 to disburse the amount of compensation to the petitioners as per their share in the land in question, which has been acquired for the public purpose namely, Sector Roads for Sectors 29, 31 and 32, Rohtak, vide notification under Section 6 was issued on 15.12.2008, by which the total land measuring 34.06 Acres was sought to be acquired for the said purpose.”

2. The petitioners, claiming themselves to be the proprietors of Panna Melwan of village Bohar, District Rohtak claimed that their 54 kanals 18 marlas of land along with that of other landowners came to be acquired vide notifications dated 15.12.2006 and 14.12.2007, issued under Sections 4 and 6 respectively of the Land Acquisition Act, 1894 (***for short, “1894 Act”***) for the public purpose, namely, laying down of Sector Roads for Sectors 29, 31 and 32, Rohtak. The award under Section 11 of the 1894 Act was announced by the Land Acquisition Collector, Urban Estate Department, Rohtak, Haryana (***hereinafter referred to as “LAC”***) on

26.11.2009/11.12.2009. On 01.10.2010, the LAC forwarded a reference under Section 30 of the 1894 Act to the Court of Id. District Judge, Rohtak with the following contents:-

“Subject: Reference u/s 30 of the L.A. Act of 1894

*Shamilat Pana smt. Khazani widow and younger daughter and Maha Nand son of Hardayal etc.
vs. State of Haryana and others.*

It is submitted that vide award No.29 dated 26.11.09, the land measuring 54-18 of Village Bohar Tehsil/District Rohtak, was acquired for Sector Road 29, 31, 32 by the undersigned Sh/Smt. _____S/o/W/o _____R/o Bohar has filed reference u/s 30 of L.A. Act, 1894 regarding his land acquired vide above award, as such the matter is bring referred to the Hon’ble Court for determination of market value/apportionment of compensation awarded vide award above between land owner(s) and other interest person(s).

Details of enclosures:-

- 1. Copy of award*
- 2. Copy of award apportionment*
- 3. Copy of award statement*
- 4. Copy of written statement of petition u/s 30 X*
- 5. Cheque No.619869 dated 29.9.10 Amount 2,53,91,250/-*

*Sd/-Land Acquisition Collector
Urban Estate Deptt. Hr. Rohtak*

3. Aggrieved thereof, some of the proprietors of Panna Melwan approached this Court by way of filing **CWP-1044-2012**, titled as **“Om Parkash and others vs. The State of Haryana and others”**, which was disposed of by this Court vide order dated 18.01.2012 and the said order is reproduced hereunder:-

“Challenge in the present petition is to a reference

made by the Land Acquisition collector, Rohtak dated 28.9.2010 under Section 30 of the Land Acquisition Act, 1894 (for short the 'Act'). It is asserted by learned counsel for the petitioner that there is no dispute which may warrant adjudication under Section 30 of the Act.

We do not find that this Court would be competent to decide whether or not there exists any dispute which may warrant adjudication under Section 30 of the Act. It is open for the petitioner to raise all pleas in the reference already pending before the Land Acquisition Collector, Rohtak.

Dismissed."

Thereafter, on 27.10.2012, the ld. Addl. District Judge, Rohtak passed the following orders:-

"Shamlat Pana Bohar vs. State

Present: None

A perusal of the file reveals that in this case amount is to be distributed among the Proprietors of Pana Bohar and there is no dispute between the parties. Why this reference has been sent to this Court, has not been explained. Therefore, file be sent back to Land Acquisition Collector, Rohtak for distribution of the among among the proprietors of the afore-said Pana.

*(Kamal Kant)
Addl. District Judge,
Rohtak 27.10.2012"*

As a result of the aforementioned order, the petitioners and the other proprietors of Panna Melwan approached the LAC for release of compensation but to no effect.

4. Faced with this, the petitioners approached this Court having filed the present writ petition.

5. Learned Senior counsel appearing for the petitioners submits

that once a specific direction was issued by the Id. Reference Court vide its order dated 27.10.2012 (Annexure P-5) to distribute the amount of compensation among the proprietors of Panna Melwan, there was no justification on the part of the LAC to have withheld the same. Learned Senior counsel submits that even as on today, no reference petition has ever been preferred under Section 30 of the 1894 Act either by the Gram Panchayat of village Bohar, District Rohtak or even by the Municipal Corporation, Rohtak and thus, respondent No.2-LAC was acting in an illegal and unjustified manner having withheld the amount of compensation.

6. On the other hand, learned counsel appearing on behalf of the respondents submits that the land under acquisition formed part of Municipal Corporation, Rohtak vide notification dated 15.12.2008 and even a mutation was sanctioned in this regard on 26.10.2015. He thus, submits that the amount of compensation was rightly withheld by respondent No.2-LAC, since, there was an apparent dispute about apportionment of compensation and accordingly, the writ petition was liable to be dismissed.

7. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioners.

8. A perusal of the record shows that no reference petition under Section 30 of the 1894 Act has so far ever been preferred before the Id. Reference Court either by the Gram Panchayat of village Bohar, District Rohtak or even by the Municipal Corporation, Rohtak, thereby claiming themselves to be the owners of the subject land, which at the time of acquisition was recorded in the name of Panna Melwan being its owner. Moreover, no revenue record in the shape of jamabandi has been produced

on record to show that the subject land was either being used for the benefit of the village community or a part thereof for common purposes of the village. Even perusal of order dated 01.10.2010 passed by respondent No.2 also shows that no copy of petition preferred under Section 30 of the 1894 Act by any aggrieved party was ever forwarded to the Id. Reference Court. Be that as it may, the Reference Court vide its order dated 27.10.2012 very categorically observed that the case in hand was only about distribution of compensation among the proprietors of Panna Bohar and there was no dispute between the parties. Further, the LAC was even directed to distribute the amount of compensation among the proprietors of aforesaid Panna. In such circumstances, there was no justification on the part of the respondents to withhold the said amount as the same was required to be distributed among the proprietors of Panna-Melwan by the LAC in terms of powers vested in it under Section 11(1) (iii) of the 1894 Act.

9. In view thereof, the present petition is allowed. Respondent No.2 is directed to distribute the amount of compensation assessed in favour of the proprietors of Panna Melwan vide its award dated 29.09.2009/11.12.2009 along with release of statutory benefits in terms of Section 34 of the 1894 Act. The needful be done within two months from today.

9.1 Moreover, a period of around 16 years has already gone by and the proprietors of Panna Melwan, who happen to be original owners of the acquired property have been deprived of valuable rights, vested in them in terms of Article 300-A of the Constitution of India; in case, respondent No.2-LAC fails to comply with the order within two months, the officer concerned shall be liable to pay cost of Rs.1 lakh per month in favour of the

proprietors of Panna Melwan and the cost shall be borne by the officer concerned from his/her own pocket, which shall be recoverable as arrears of land revenue against him.

10. Pending applications, if any, also stand disposed of.

A copy of this order be served upon the officer concerned with a request for its necessary compliance.

22.09.2025

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No

(HARKESH MANUJA)
JUDGE