

2025:PHHC:111969



112-2

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**Civil Revision No. 6030 of 2019 (O&M)
Date of Decision: 25.08.2025**

Sawan Singh (since deceased)
through his LRs and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Akshay Kumar Jindal, Advocate
for the petitioners-claimants/landowners.

Ms. Komal Sharma, Deputy Advocate General, Haryana
for respondent Nos. 1 & 2.

Mr. Pritam Singh Saini, Advocate with
Ms. Kanchan Sindhu, Advocate
for respondent No. 12-HSIIDC, Panchkula.

HARKESH MANUJA, J. (ORAL)

The petitioners-landowners, by way of present revision petition filed under Article 227 of the Constitution of India, seek setting aside of an order dated 25.06.2019 (Annexure P-5) passed by the Land Acquisition Collector-cum-District Revenue Officer, Panchkula (**hereinafter referred to as "LAC"**), whereby their petition under Section 18 of the Land Acquisition Act, 1894 (**for short "the Act"**), was dismissed being not maintainable on the ground of limitation.

[2] Briefly stating, some land owned by the petitioners, situated within the revenue estate of Hadbast No. 3 of Village Khatouli, Tehsil and Distict Panchkula came to be acquired for public purpose, namely,

“development of industrial estate”. An Award under Section 11 of the Act was announced on 12.12.2011 and thereafter, being aggrieved, a reference petition under Section 18 of the Act was invoked by the petitioners on 11.04.2019. Vide order dated 25.06.2019, the LAC rejected the reference petition preferred at the instance of petitioners-landowners being barred by limitation, while stating that once the Award under Section 11 of the Act was passed on 12.12.2011, the reference petition, preferred on 11.04.2019, was beyond limitation in terms of sub-Section (2) of Section 12 of the Act.

[3] Impugning the aforesaid order dated 25.06.2019, learned counsel for the petitioners submits that in the present case, there is no evidence available on the record that the petitioners were ever present at the time of passing of Award dated 12.12.2011 or a copy thereof was ever served upon them. He also points that in such circumstances, once the payment of compensation was made to the petitioners on 07.01.2019 / 18.01.2019 / 15.02.2019, the reference petition preferred on 11.04.2019 was within limitation and thus, the impugned order dated 25.06.2019 passed by the LAC is liable to be set aside.

[4] On the other hand, learned counsel for respondent No. 12-HSIIDC, Panchkula, points out that in the circumstances, when the Award under Section 11 of the Act was passed on 12.12.2011, the reference petition preferred on 11.04.2019, was clearly barred by limitation and thus, the order dated 25.06.2019 passed by the LAC calls for no interference.

[5] After hearing learned counsel for the parties and having gone through the paper-book, I find substance in the submission(s) made on behalf of the petitioners-landowners.

[6] In the considered opinion of this Court, once, there was no evidence available on the record to the effect that the petitioners were present at the time of passing of Award dated 12.12.2011 or a copy thereof was ever served upon them, the reference petition, preferred within six months from the date of receipt of compensation, was to be treated within limitation. Moreover, in the facts and circumstances of the present case, the issue of limitation was to be determined and adjudicated upon by giving the parties an opportunity to lead evidence in this regard; thus, the LAC instead of passing the impugned order dated 25.06.2019 of rejecting the reference petition preferred at the instance of petitioners being barred by law of limitation, should have forwarded the reference petition to the Additional District Judge-cum-Reference Court, Panchkula.

[7] In view of the aforesaid discussion, the order dated 25.06.2019 passed by the LAC is hereby set aside. The LAC (respondent No. 1) is directed to forward the reference petition preferred at the instance of petitioners to the Additional District Judge-cum-Reference Court, Panchkula, within two weeks from the date of receipt of certified copy of this order. The parties are directed to appear before the Additional District Judge-cum-Reference Court, Panchkula, on **14th October, 2025**.

[8] **Disposed off** accordingly.

[9] Considering the fact that the Award under Section 11 of Act was passed in the year 2011, the Reference Court is requested to decide the reference petition of the petitioners within one year from the date of its receipt from the office of LAC. It is made clear that in case respondent No.1-LAC fails to forward the reference petition within stipulated period, he / she

shall be liable to pay costs of Rs. 50,000/- per month to the petitioners-landowners, to be borne by LAC from his / her own pocket; and in case the costs are not paid, the District Magistrate, Panchkula, shall be at liberty to recover the same as arrears of land revenue from the LAC.

[10] Pending miscellaneous application(s), if any, shall also stand disposed off.

August 25, 2025

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**(HARKESH MANUJA)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>