

2025:PHHC:116990



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

**CWP-14403-2024 (O&M)
Decided on:-29.08.2025**

Mulakh Raj

..Petitioner...

vs.

State of Haryana and others

...Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. S.P. Arora, Advocate,
Mr. Himanshu Arora, Advocate and
Mr. Vijay Sheoran, Advocate,
for the petitioner.

Ms. Komal Sharma, DAG, Haryana.

HARKESH MANUJA J. (Oral)

1. By way of present petition, prayer has been made for setting aside of the order dated 14.09.2023 (Annexure P-6) passed by the Land Acquisition Collector, Urban Estate Department, Hisar (Annexure P-6), whereby, the reference petition preferred at the instance of landowners having invoked Section 18 of the Land Acquisition Act, 1894 (*for short, "1894 Act"*) stands rejected being barred by limitation.

2. In the present case, certain land owned by the petitioner situated within the revenue estate of Hisar was acquired vide notifications dated 19.05.2003 and 14.05.2004, issued under Sections 4 and 6 of the 1894 Act, followed by an award dated 12.05.2006. The reference petition filed

under Section 18 of the 1894 Act, seeking re-determination of market value was submitted at the instance of the petitioner to the office of respondent No.3 on 02.12.2020 vide diary No.2010, however, the same was declined vide order dated 16.04.2021 which came to be challenged before this Court vide CWP No.6427-2022. The said writ petition was allowed vide judgment dated 05.07.2023 passed in lead case bearing CWP-6346-2022 (O&M), with the following observation:-

“In view of the discussion made hereinabove and without expressing any opinion on the merits of the case, order(s) dated 16.04.2021 passed by the Land Acquisition Collector in all the writ petitions are set aside. Land Acquisition Collector is directed to issue notice to the petitioners in all writ petitions to grant them personal hearing to show that the application under Section 18 of the Act has been filed within a period of limitation and decide the same on the merits of each case. The parties would appear before the Land Acquisition Collector on a date to be fixed by it within two weeks from the date of receipt of certified copy of this order.”

2.1 In pursuance thereof, a fresh speaking order has been passed by respondent No.3 on 14.09.2023 again rejecting the prayer made by the petitioner for forwarding his reference to the competent Court being barred by limitation. The relevant portion thereof is reproduced hereunder:-

“In the present case, the possession of the land of the petitioner(s) was taken on the same day of Award vide rapat No.383 dated 12.05.2006 and handed over to the Estate Officer, HUDA (now HSVP), Hisar and mutation No.12760 dated 13.06.2014 was also sanctioned in favour of the HSVP. It is sufficient proof, vide which inference of constructive knowledge can be taken. Hence, the arguments of the petitioner(s) is hereby

rejected as the petitioner(s) filed the application despite knowing the fact of Award after a gap of more than 14 years.”

3. Impugning the aforesaid order dated 14.09.2023, learned counsel for the petitioner submits that respondent No.3 completely bypassed the statutory mandate of Section 12(2) of the 1894 Act, as no finding was recorded about the presence of the petitioner at the time of passing of the award or any copy thereof been served upon him and in the absence thereof, the reference petition could not have been rejected being barred by limitation, especially, when the amount under the said award was released in favour of the petitioner only in the year 2024 and thus, prayed that the impugned order was liable to be set aside.

4. On the other hand, learned counsel for the respondents submits that in pursuance to the award dated 12.05.2006, the possession of the land in question was obtained from the landowners vide rapat No.383 dated 12.05.2006, followed by mutation No.12760 dated 13.06.2014 in the name of HSVP and thus, the reference petition been preferred after a gap of 14 years of passing of the award was rightly declined being barred by limitation.

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

6. The mandate of Section 12 (2) of the 1894 Act enjoins the Land Acquisition Collector to serve an immediate notice of the award upon the person interested. In the present case, no finding has been recorded by the learned Land Acquisition Collector in the impugned order to the effect that the petitioner was present at the time of passing of the award dated 12.05.2006 or even a notice under Section 12 (2) of the 1894 Act was ever

served upon him along with a copy of the award dated 12.05.2006, so as to make him aware of the contents thereof. In such, circumstances, the impugned order cannot be sustained on mere fact that the possession of the land was recorded in the name of HSVP vide rapat No.383 dated 12.05.2006, followed by mutation No. 12760 dated 13.06.2014 as mere factum of entry of rapat with respect to transfer of possession besides entering of mutation cannot by any stretch of imagination be considered to as to the knowledge and notice of the contents of the award dated 12.05.2006 to the land owner-petitioner.

7. For the reasons stated hereinabove, the impugned order dated 14.09.2023 passed by respondent No.3 (Annexure P-6) is hereby set aside. Accordingly, the present writ petition stands allowed. Respondent No.3 is directed to forward the reference petition (dated 02.12.2020 vide diary No.2010) preferred at the instance of petitioner-landowner to the learned Reference Court of competent jurisdiction at Hisar. The needful be done within 04 weeks from today.

7.1 It is made clear that in case respondent No.3 fails to comply with the aforesaid direction within the stipulated period, the officer concerned shall be liable to pay cost of Rs.50,000/- to the petitioner-landowner towards any further litigation about delay in compliance.

8. Pending application, if any, also stands disposed of.

29.08.2025

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No