

RFA-4333-2014(O&M)
RFA-4334-2014 (O&M)

2025:PHHC:060003



**344-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1. RFA-4333-2014(O&M)

Naresh Kumar and others

..Appellants

Versus

State of Haryana and others

..Respondents

2. RFA-4334-2014(O&M)

Samita Sagar and others

..Appellants

Versus

State of Haryana and others

..Respondents

Date of decision: 06.05.2025

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Shailendra Jain, Sr. Advocate with
Mr.Rahul, Advocate
Mr. Munish Sharma, Advocate for the appellant(s)
in RFA-4333 and 4334 of 2014

Mr. Pritam Singh Saini, Advocate
Mr. Sanjay Saini, Advocate for the respondent

ANIL KSHETARPAL, J.

1. With the consent of the learned counsel representing the parties,
RFA-4333-2014 and RFA-4334-2014 shall stand disposed of by this
common order.



2. In both these appeals, the Reference Court (hereinafter referred to as 'RC') has dismissed the reference petitions filed by the appellants on the ground that these were filed beyond the period of limitation.

3. On the objections taken by the Haryana State Industrial and Infrastructure Development Corporation, Panchkula (hereinafter referred to as 'HSIIDC'), the RC framed the following issues:-

- “1. What was the market value of the acquired land on the date of notification under Section 4 of the Land Acquisition Act? OPP.*
- 2. Whether the petitions are not maintainable? OPR*
- 3. Whether the petitions are time barred? OPR*
- 4. Relief.”*

4. It is evident that onus to prove issue no.3 was placed upon HSIIDC. The RC, while jointly deciding various reference petitions, dismissed the reference petitions filed by the appellants (landowners) on the ground that these were not filed within the prescribed period under the Land Acquisition Act, 1894.

5. Learned counsel representing the appellants contends that HSIIDC did not lead any evidence to prove that the applications filed by the appellants were filed beyond the prescribed period of limitation. He submits that one of the owners, Jugal Kishore appeared in evidence, however, in the absence of any evidence from the side of the HSIIDC, he also did not give any explanation. Record from the office of Land Acquisition Collector has also not been produced to prove the date when payment was made to the landowners (appellants). In fact, the RC after placing onus of issue no.3 upon HSIIDC, erred in shifting burden upon the landowners.



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6. Consequently, the award passed by the RC with respect to RFA-4333-2014 and RFA-4334-2014 is set aside while directing the parties to appear before the RC on 17.07.2025. After granting opportunity to the parties to lead evidence, the RC will make all sincere endeavours for expeditious disposal of these cases. The parties through their learned counsels are directed to appear before the RC on 17.07.2025.

7. Both appeals stand disposed of.

8. The office is directed to retain the record of the lower court as the remaining cases in this batch are pending and are yet to be decided.

9 All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

06.05.2025

rekha

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No