

CR No.570 of 2023 (O&M)

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

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**CR No.570 of 2023 (O&M)
Date of Decision:19.08.2025**

SOHAN SINGH (SINCE DECEASED) THROUGH HIS LRS
.....Petitioner(s)

Vs

STATE OF PUNJAB AND ANOTHER **...Respondents**

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Naresh Kaushal, Advocate
for the petitioner(s).

Mr. Gunjan Mehta, Addl. A.G., Punjab.

Ms. Deepali Puri, Advocate
for respondent No.2.

HARKESH MANUJA, J. (Oral)

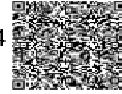
CM No.1838-CII of 2023

Prayer made in the application is for impleading the applicant(s) as legal representative(s) of petitioner, who died on 08.04.2021.

For the reasons mentioned in the application, the same is allowed, subject to all just exceptions and the applicant(s) as mentioned in paragraph No.2 of the application are ordered to be impleaded as legal representative(s) of petitioner-Sohan Singh (deceased) in order to pursue the present case.

Main case

[1]. By way of present petition, challenge has been laid to an order dated 09.09.2022 passed by the Land Acquisition Collector, Urban Development Department, Punjab, S.A.S. Nagar (Mohali), whereby the reference petition preferred at the instance of petitioner(s)/landowners having invoked Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the 2013 Act') seeking



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enhancement of compensation against acquisition of land was dismissed being barred by limitation.

[2]. Briefly stating, certain land forming part of revenue estate of village Rani Majra, Tehsil Kharar, District S.A.S. Nagar (Mohali) which was owned by the predecessor-in-interest of the petitioner(s) came to be acquired for the public purpose, namely, for the construction of 200 feet wide Master Plan Road P.R 7 in New Chandigarh and S.A.S. Nagar vide notifications dated 03.01.2017 and 12.01.2018 issued under Sections 11 and 19 of the 2013 Act respectively followed by Award No.569 dated 18.05.2018. In pursuance thereof, the compensation was released in favour of the landowner vide cheque No.726664 dated 08.03.2019. An application/reference petition under Section 64 of the 2013 Act for referring/forwarding the matter to the Land Acquisition, Rehabilitation and Resettlement Authority with respect to enhancement towards market value/compensation was preferred on 21.08.2019. The Land Acquisition Collector vide its order dated 09.09.2022 rejected the same being barred by limitation.

[3]. I have heard learned counsel for the parties and gone through the paper book.

[4]. Perusal of the impugned order that the reference petition preferred at the instance of petitioner(s) having been invoked Section 64 of the 2013 Act has been declined for the reason that the award under Section 21 of the 2013 Act was announced on 18.05.2018 and an application for release of the amount of compensation in terms thereof was filed at the instance of predecessor-in-interest of petitioner(s)/landowner(s) on 21/23.05.2018 before the office of Land Acquisition Collector and, thus the predecessor-in-interest was having complete knowledge about the passing of award on the said date and the reference preferred on 21.08.2019 was, therefore, barred by limitation.

[5]. Having examined the record of the case in hand, it has come out that the factum of making any such application dated 21/23.05.2018 before the Land Acquisition Collector has been specifically denied by the petitioner(s) in the writ petition rather, it has been contrarily pleaded that an application for release of the amount in terms of award dated 18.05.2018 was filed before the Land Acquisition



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Collector for the first time in March 2019 and thereafter the compensation was released vide cheque No.726664 dated 08.03.2019. To the contrary, no such document/application dated 21/23.05.2018 has been placed on record by the respondents to counter the specific averments made in the present revision petition.

[6]. In such circumstances once the issue of reference preferred at the instance of petitioner(s) being barred by limitation, becomes disputed question of fact which can only be gone into after affording an opportunity to the petitioner(s)/landowner(s) and that too after framing of a specific issue by the Competent-cum-Appropriate Authority under 2013 Act. Moreover, the Land Acquisition Collector while passing the impugned order dated 09.09.2022 never afforded any opportunity of hearing to the petitioner(s) and thus, same is even unsustainable being violative of principles of natural justice.

[7]. In such circumstances and for the reasons stated hereinabove, the present petition is allowed; the impugned order dated 09.09.2022 passed by the Land Acquisition Collector dismissing application/reference petition under Section 64 of 2013 Act, filed at the instance of petitioner(s) being barred by limitation is hereby set aside and respondent No.1 is requested to forward the said reference petition to the concerned authority i.e. Reference Court-cum-Additional District Judge, S.A.S. Nagar (Mohali) within four weeks from today. In case the needful is not done within stipulated time period, the respondent No.1 shall be liable to pay cost of Rs.1,00,000/- to the petitioner(s).

[8]. Pending application(s), if any shall also stand disposed of.

August 19, 2025

Atik

**(HARKESH MANUJA)
JUDGE**

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No