

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

LPA No. 227 of 2014 (O&M)
DATE OF DECISION : 15.09.2015

Swaran Singh and others APPELLANTS

Versus

State of Punjab and another RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. Satish Goel, Advocate, for the appellants.
Mr. Vinod S. Bhardwaj, Addl. A.G., Punjab.

SATISH KUMAR MITTAL, J. (Oral)

The appellants have filed this appeal against the order dated 13.7.2000 passed by the learned Single Judge, deciding Regular First Appeal No. 611 of 1991 filed by them against the award dated 30.3.1990 passed by the Reference Court under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act').

Vide the impugned order, the appellants were held entitled for enhanced compensation for their acquired land at the rate of ₹ 1,20,000/- per acre with all the statutory benefits, as provided under Section 23 (1-A), 23 (2) and 28 of the Act.

Along with the appeal, the appellants have filed application (CM No. 566-LPA of 2014) for condoning the delay of 4697 days in re-filing the appeal. In the application, it has been stated that the appeal was filed on 08.01.2001 within limitation, but the same was returned on 26.06.2001 by the Registry with some objections. Thereafter, the appeal was

filed on 16.12.2013 with the application for condonation of delay stating that learned counsel for the appellants neither filed the appeal, after it was returned to him, nor informed the appellants about the same.

It is admitted position that the original file of the appeal was lying in the office of the Advocate, as it was only re-filed on 16.12.2013. Be that it may, the fact remains that in the year 2003, when an amendment in the High Court Rules and Orders regarding LPA was made, no appeal of the appellants was pending in this court. Now, under the High Court Rules and Orders, no LPA is maintainable against an order passed by the learned Single Judge challenging an award passed by the Reference Court. Therefore, we do not find any sufficient ground to permit the appellants to re-file the appeal after such a long delay, when the remedy of appeal itself has been barred by the amendment made in the High Court Rules and Orders.

Faced with this situation, learned counsel for the appellants submits that the appellants may be permitted to withdraw this appeal with liberty to challenge the order of the learned Single Judge before the Hon'ble Apex Court.

Dismissed as withdrawn with the aforesaid liberty.

(SATISH KUMAR MITTAL)
JUDGE

September 15, 2015
ndj

(MAHAVIR S. CHAUHAN)
JUDGE