

Civil Revision No.3402 of 2015

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

Civil Revision No.3402 of 2015

Date of decision: 15.01.2016

Ganga Bishan and others

....Petitioners

Versus

District Revenue Officer cum Land Acquisition Collector, Kurukshetra
and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH DHALIWAL

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?
- 2) To be referred to the Reporters or not ?
- 3) Whether the judgment should be reported in the Digest ?

Present: - Mr. Rakesh Gupta, Advocate, for the petitioners.

PARAMJEET SINGH DHALIWAL, J.

The instant revision petition under Article 227 of the Constitution of India has been filed for setting aside the order dated 19.12.2014 (Annexure P-1) passed by respondent No.1 - District Revenue Officer cum Land Acquisition Collector, Kurukshetra, whereby application filed by the petitioners under Section 28-A of the Land Acquisition Act, has been dismissed being barred by limitation.

Brief facts of the case are that on 23.08.2005 State of Haryana issued notification under Section 4 of the Land Acquisition Act (hereinafter referred to as 'the Act') for construction of BML Hansi Branch Butana Multipurpose Link Channel from RD-91000 to RD-156000. Subsequently, after declaration under Section 6 of the Act, on

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13.09.2005 land of the petitioners measuring 8 kanals 19 marlas, was acquired by assessing market value of the acquired land at Rs.5.00 lacs per acre alongwith statutory benefits vide award dated 30.08.2006 by the Collector. Except petitioners, other landowners, whose land was acquired, preferred reference under Section 18 of the Act. Said reference was decided by learned Additional District Judge, Kurukshetra vide judgment dated 28.02.2009 and landowners were granted Rs.50,000/- on account of severance of the land. Thereafter, matter came to this Court. This Court vide judgment dated 01.05.2012 passed in RFA No.3953 of 2009 enhanced the amount of compensation to Rs.6.50 lacs per acre alongwith statutory benefits. On 21.08.2012 petitioners moved an application under Section 28-A of the Act for redetermination of the compensation awarded to the petitioners in terms of judgment of this Court dated 01.05.2012. The application has been dismissed vide order dated 19.12.2014 vide impugned order. Hence, this revision petition.

I have heard learned counsel for the petitioners and perused the record.

Learned counsel for the petitioners vehemently contended that petitioners were under a wrong advice that enhancement made by any Court subsequently will uniformly be applicable to all the landowners whose land had been acquired. Petitioners came to know of the order passed by this Court on 01.08.2012 and application under Section 28-A of the Act was moved on 23.08.2012. Learned Land Acquisition Collector has erred in law in overlooking the fact that petitioners are

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entitled to the same amount of compensation as has been granted to the similarly situated persons, whose land has been acquired under the same notification and for the same purpose.

I have considered the contentions raised by learned counsel for the petitioners.

Admittedly, any person, whose land has been acquired under the same notification and who could not file the reference under Section 18 of the Act, can file application under Section 28-A of the Act for re-determination of the compensation in accordance with the Award passed by the Court and the landowner cannot be denied the enhanced compensation and delay is required to be condoned. However, in the present case, there is inordinate delay in filing the application under Section 28-A of the Act. The judgment by this Court was passed on 01.05.2012 and application under Section 28-A of the Act was filed on 23.08.2012 without giving any plausible reasons to condone the delay.

Hon'ble Supreme Court in ***Popat Bahiru Govardhane Etc. v. Special Land Acquisition Officer and another***, 2013(10) SCC 765, wherein application under Section 28-A of the Act filed with a delay of 4 days was dismissed by learned Special Land Acquisition Collector, has held as under: -

“13. It is a settled legal proposition that law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes. The Court has no power to extend the period of limitation on equitable grounds. The statutory provision may cause hardship or inconvenience

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to a particular party but the Court has no choice but to enforce it giving full effect to the same. The legal maxim “dura lex sed lex” which means “the law is hard but it is the law”, stands attracted in such a situation. It has consistently been held that, “inconvenience is not” a decisive factor to be considered while interpreting a statute. “A result flowing from a statutory provision is never an evil. A Court has no power to ignore that provision to relieve what it considers a distress resulting from its operation.”

In view of above, as no sufficient grounds for condoning the delay are forthcoming, I do not find any illegality or perversity in the impugned order.

Dismissed.

(Paramjeet Singh Dhaliwal)
Judge

January 15, 2016
R.S.