

CWP-22704-2016

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-22704-2016

Date of Decision: November 04, 2016

Harbhajan Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.D.S.Kahlon, Advocate
for the petitioners.

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SURYA KANT, J.

Petitioners are residents of village Jaini Upperly, Post Office Madhopur, Tehsil and District Pathankot. They seek a direction for re-determination of compensation amount which was awarded as per the Award dated 15.04.1999. The direction for re-determination has been sought on the premise that subsequently, this Court in RFA No.4525 of 2001 (**Thuru Ram vs State of Punjab and others**) decided on 16.03.2009, enhanced the compensation. Since the petitioners did not file any such appeal, they seek the same amount of compensation on the strength of Section 28A of the Land Acquisition Act, 1894 (for brevity, 'the 1894 Act').

Having given our thoughtful consideration to the claim, the same appears to be hopelessly time -barred as it suffers from inordinate delay and

laches. All the land-owners who did not file any Reference under Section 18

of the 1894 Act were given opportunity to claim the same amount of compensation as is enhanced by superior Courts, by approaching the Land Acquisition Collector under Section 28A of the 1894 Act, provided that such application is moved within three months from the date of the order of superior Court. Hon'ble Supreme Court in Popat Bahiru Govardhane etc. vs Special Land Acquisition Officer and another 2013(10) SCC 765, has held that there is no power to extend the limitation under Section 28A of the 1894 Act and, thus, any application filed after expiry of three months period is liable to be rejected.

Applying these principles, it may be seen that the claim of the petitioners, as raised in this writ petition, is hopelessly time-barred. The RFA was decided by this Court in the year 2009. They have chosen to approach the Court now at the fag end of the year 2016. Petitioners themselves are responsible for allowing the grass to grow under their feet. The resultant effect is that though they might have a right in law to claim the same amount of compensation, but they have lost the remedy.

Dismissed.

(SURYA KANT)
JUDGE

November 04, 2016
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(SUDIP AHLUWALIA)
JUDGE

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| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |