

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

209-a

RFA No.2095 of 2016(O & M)

Date of Decision:01.09.2016

Kavita

....appellant

Versus

Land Acquisition Collector, Rewari and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.Shakti Singh, Advocate for
Mr.S.N.Yadav, Advocate
for the appellant

Mr.Yogesh Chaudhary, Advocate
for the respondents

ARUN PALLI, J. (ORAL):

CM No.6393-CI of 2016

This is an application for condonation of delay of 59 days in filing the appeal.

For the reasons set out in the application, that is duly supported by an affidavit, the same is allowed. Delay of 59 days in filing the appeal is condoned.

CM stands disposed of.

RFA No.2095 of 2016

Vide an Award, dated 19.05.2015, being assailed in this appeal, the Reference Court has dismissed the petition under Section 28-A of the Land Acquisition Act, 1894, (for short, 'the Act'), preferred by the appellant.

Pursuant to a notification, published on 14.02.2008, under Section 4 of the Act, the land measuring 08K-10M, situated within the revenue estate of village Sudhrana, Tehsil Kosli, District Rewari, owned by

the appellant was sought to be acquired for Marry Godwon Railway Line. The Land Acquisition Collector (for short 'the Collector'), vide his Award dated 31.12.2008, assessed the market value of the acquired land at ₹ 16 lakhs per acre. In the proceedings under Section 18 of the Act, initiated at the instance of the other landowners, the Reference Court, vide its Award dated 16.12.2011, enhanced the compensation. Neither did the appellant seek a reference under Section 18 of the Act, after the Collector made an Award nor moved the Collector under Section 28-A of the Act, for, re-determination of compensation in terms of the Award dated 16.12.2011, rendered by the Reference Court. Instead, a petition under Section 28-A of the Act was filed before the Reference Court on 22.11.2013, which has been dismissed being not maintainable. Needless to assert that under Section 28-A of the Act, an application moved by the landowner, for re-determination of compensation, lies to the Collector, and it is only if a landowner is still aggrieved, he can file objections/application to the Collector to refer the matter to the Civil Court in terms of Section 28A(3) of the Act. Ex facie, the application moved by the appellant under Section 28-A of the Act, before the Reference Court, itself, was not maintainable.

Learned counsel for the appellant could not point out as to how the conclusion recorded by the Reference Court, is either erroneous or suffered from any material illegality. The appeal being devoid of merit is accordingly dismissed.

01.09.2016

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(ARUN PALLI)
JUDGE