

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

RFA-3409-2015
Date of decision:11.2.2016

Sukhwinder Singh and others

...Appellants

Versus

Punjab State and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.Kanwaljit Singh, Sr. Advocate with
Mr.Amandeep Singh, Advocate for the appellants.
Mr.Yatinder Sharma, Addl.A.G., Punjab.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the impugned award dated 8.1.2015 passed by the learned reference court, Tarn Taran, whereby reference petition of the appellants under Section 18 of the Land Acquisition Act, 1894 ('the Act' for short) was dismissed by the learned reference court as time barred, the appellants-land owners have approached this Court by way of instant regular first appeal.

Notice of motion was issued.

Learned senior counsel for the appellants, while referring to the petition under Section 18 of the Act available at page 73 of the lower court record, submits that since the land acquisition collector announced his award on 21.11.1990 and the appellants filed their petition under Section 18 of the Act as early as on 29.12.1990, which was duly received in the office

of land acquisition collector on 31.12.1990, reference was not at all time barred by limitation. He further submits that since the learned reference court has proceeded on a factually incorrect and legally misconceived approach, while deciding issue No.1 recording patently illegal finding in para No. 10 of the impugned award, the same is not sustainable in law. On merits, learned senior counsel for the appellants submits that the instant appeal is squarely covered by the order dated 27.2.2015 passed by this Court in RA No.99/CI of 2014 in RFA No.4241 of 2006 (Vijay and another v. State of Punjab and others) and the present appeal may be disposed of in terms of the above-said order dated 27.2.2015.

Faced with the above, learned counsel for the State fairly states that as the reference petition filed by the appellants under Section 18 of the Act was dated 29.12.1990, which had been received in the office of land acquisition collector on 31.12.1990, he would not be in a position to defend the finding recorded by the learned reference court on issue No.1. On merits of the case, learned counsel for the State submits that the instant appeal is covered by the above-said order dated 27.2.2015 passed by this Court in **Vijay's** case (supra).

In view of the above, the impugned award dated 8.1.2015 passed by the learned reference court cannot be sustained, having been found based on patently illegal and factually incorrect approach and the same is accordingly set aside.

Since the learned counsel for the parties are ad idem that the present appeal is covered by the order dated 27.2.2015 passed by this Court in **Vijay's** case (supra), the same is ordered to be disposed of, in the same

terms. Accordingly, the appellants-land owners are held entitled to receive the compensation for their acquired land, in terms of the order dated 27.2.2015 passed by this Court in RA No.99/CI of 2014 in RFA No.4241 of 2006 (Vijay and another v. State of Punjab and others).

Disposed of, accordingly.

11.2.2016
mks

(RAMESHWAR SINGH MALIK)
JUDGE