

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

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RFA No.3448 of 2016(O & M)

Date of Decision:24.08.2016

Hari Parkash

....appellant

Versus

State of Haryana and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.Vikram Punia, Advocate
for the appellant

ARUN PALLI, J. (ORAL):

What has been assailed, in this appeal, is an Award dated 12.05.2016, vide which, the reference under Section 18 of the Land Acquisition Act, 1894, (for short 'the Act'), sought by the appellant-landowner was held to be barred by time.

Facts that are required to be noticed are limited.

Concededly, the Land Acquisition Collector, Jhajjar, rendered an Award on 08.10.2003. In the land references, arising out of the same acquisition, the Reference Court, vide its Award, dated 24.03.2009, awarded enhancement in the compensation to the other landowner. Neither did the appellant sought a reference, under Section 18 of the Act, after the Collector made an Award, nor moved the Collector, post enhancement by the Reference Court, under Section 28-A of the Act, for re-determination of compensation. Rather, after almost 10 years of the Award, dated 08.10.2003, rendered by the Collector, the appellant-landowner sought a reference, under Section 18 of the Act, on 06.08.2013. And, for, it was proved on record that the appellant-landowner had acquired knowledge of the Award made by the Collector in the year 2010, the reference under

Section 18 of the Act, sought by the appellant on 06.08.2013, was apparently barred by time.

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

Needless to assert, that in terms of the proviso to Section 18(2) of the Act, a landowner, who is aggrieved by an award rendered by the Collector, can seek a reference, if he was present or represented before the Collector, within six weeks from the date of the award or within six weeks after he was served with a notice under Section 12(2) of the Act or within six months from the date of the Collector's Award, whichever period shall first expire.

And, once, it was established that the Award dated 08.10.2003 was in full knowledge of the appellant-landowner, as back as in the year 2010, obviously, reference sought by him on 06.08.2013 was barred by time. In fact, the remedy, available in law to the appellant-landowner, in the situation, was to move the Collector under Section 28-A of the Act, for re-determination of the compensation in terms of the Award dated 24.03.2009, rendered by the reference Court, rather than seeking a reference under Section 18 of the Act.

Faced with this, learned counsel for the appellant submits that he be permitted to withdraw this appeal, so as to enable the appellant to avail the remedies as admissible in law.

Dismissed as withdrawn.

24.08.2016

neenu

(ARUN PALLI)
JUDGE

Whether speaking/reasoned

Yes/No.

Whether reportable-

Yes/No