

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

**RFA No.4295 of 2016 (O&M)
Date of Decision : 23.12.2016.**

Jagjit Singh

.....Appellant

Versus

State of Punjab through District Collector, Sangrur

..... Respondent

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present : Mr. D.K.Singla, Advocate for
Mr. Manish Kumar Singla, Advocate for the appellant.

ARUN PALLI, J. (Oral)

Concededly, the claim of the appellant under Section 18 of the Land Acquisition Act, 1894 (for short 'the Act') was dismissed by the reference Court being barred by time. It is not disputed that the plaintiff acquired knowledge of the award on 10.06.2012, and still filed objections under Section 18, on 5.9.2012. Faced with this situation, learned counsel for the appellant refers to paragraph 11 of the decision of Hon'ble Supreme Court, rendered in the case of Union of India Vs. Hansoli Devi, 2002 AIR (SC) 3240, which reads thus:-

“So far as question 1(b) is concerned, this is really the same question, as in question 1 (a) and, therefore, we reiterate that when an application of a land owner under Section 18 is dismissed on the ground of delay, then the said land owner is entitled to make an application under Section 28-A, if other conditions prescribed therein are fulfilled”.

It is submitted that the appellant be permitted to withdraw the appeal with liberty to resort to the provisions of Section 28-A of the Act for redressal of his grievance.

Dismissed as withdrawn with liberty to move the Collector under Section 28-A of the Act in accordance with law, subject to the conditions enumerated therein.

23.12.2016

Manoj Bhutani

(ARUN PALLI)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No