

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 9565 of 2014 (O&M)
Date of decision: 9.2.2017

State of Haryana and another

.. Petitioners

v.

Urmila and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Ms. Palika Monga, Deputy Advocate General, Haryana.
Mr. Ravindra Jain, Advocate for respondent No. 1.

...

Rajesh Bindal J.

This order will dispose of two petitions bearing CWP Nos. 9565 and 9566 of 2014, as the issues involved in both the petitions is common.

However, the facts have been extracted from CWP No. 9565 of 2014.

The State has filed the petition challenging the award dated 18.6.2013, passed by Land Acquisition Collector (for short, 'the Collector'), whereby in an application filed under Section 28-A of the Land Acquisition Act, 1894 (for short, 'the Act'), respondent No. 1 was granted compensation in terms of the award of the Reference Court in the case, titled as Ajit

Kumar v. State of Haryana, decided on 10.9.1988.

The only ground raised by learned counsel for the petitioners is that the application under Section 28-A of the Act could be filed within 3 months from the date of award sought to be relied upon for the purpose of seeking parity of compensation. In the case in hand, reliance was placed upon the award of the Reference Court dated 10.9.1988 in the case of co-sharer of respondent No. 1, whereas the application was filed on 25.8.2011, i.e., after a period of more than 22 years, hence, the Collector had no jurisdiction to entertain the application filed by respondent No. 1 under Section 28-A of the Act. The award, being without jurisdiction, deserves to be set aside.

On the other hand, learned counsel for respondent No. 1 did not dispute the fact that the application was filed after a period of more than 22 years from the date of award sought to be relied upon for parity of compensation, however, he submitted that respondent No. 1 has right to get the award in the case of a co-sharer executed for getting the same amount of compensation. He further submitted that in case award of the Collector is set aside, respondent No. 1 be given liberty to avail of her any other alternative appropriate remedy for seeking parity of compensation.

Heard learned counsel for the parties and perused the paper book.

The basic facts in the case are not in dispute, namely, that respondent No. 1 filed application under Section 28-A of the Act on 25.8.2011 placing reliance upon an earlier award of the Reference Court dated 10.9.1988. The application under Section 28-A of the Act could be filed within a period of three months from the date of award of the

Reference Court, however, in addition thereto, the time spent in obtaining the copy thereof is also available. In the case in hand, admittedly, the application having been filed more than 22 years was time-barred, hence, could not have been entertained by the Collector. The award is totally without jurisdiction, hence, the same is set aside. However, the same will not debar the respondents from availing her any other alternative remedy for seeking parity of compensation. If any such proceedings are taken, the same shall be decided as per law.

The writ petitions stand disposed of.

(Rajesh Bindal)
Judge

(Harinder Singh Sidhu)
Judge

9.2.2017
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No