

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1.

RFA No.2693 of 2017(O&M)
Date of decision: 25.09.2017
- Kanwaljeet Singh

... Appellant
- Versus
- Union of India and others

... Respondents
2.

RFA No.2694 of 2017(O&M)
- Mubarak Singh

... Appellant
- Versus
- Union of India and others

... Respondents
3.

RFA No.2695 of 2017(O&M)
- Mandeep Kaur

... Appellant
- Versus
- Union of India and others

... Respondents
4.

RFA No.2696 of 2017(O&M)
- Gurbinder Singh

... Appellant
- Versus
- Union of India and others

... Respondents
5.

RFA No.2697 of 2017(O&M)
- Mukhwinder Singh

... Appellant
- Versus
- Union of India and others

... Respondents

6.

RFA No.2698 of 2017(O&M)

Jaswant Singh

... Appellant

Versus

Union of India and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Vijay Lath, Advocate for the appellant(s).

ARUN PALLI, J. (Oral)

Vide this order and judgment, I shall decide a batch of 06 appeals that have been filed by the claimant-land owners. For the matter arises out of the same acquisition and all these appeals are directed against a common award dated 05.05.2016, vide which the claims of the land owners under Section 18 were dismissed being time barred, these are being disposed of by a common judgment. However, the facts are being culled from RFA No.2693 of 2017 [**Kanwaljeet Singh v. Union of India and others**].

Concededly, vide award No.205 dated 25.03.2013, the Land Acquisition Collector had assessed the market value of the acquired land. It is not disputed that the claimant-land owners had filed objections to the award rendered by the Collector on 03.11.2014 i.e. after over a year and half. Respondents had examined Deepak Sharma (RW2) working as SDO-I in the office of Defence Estates Office, Jalandhar Circle, who testified in his deposition that the claimants had received the compensation in terms of the award rendered by the Collector without protest. Photocopies of receipts i.e. Ex.R13 to Ex.R21, in this regard were duly proved. Evidence on record shows that claimants, namely, Mubarak Singh, Jagdeep Kaur and Mandeep

Kaur had received the compensation, in terms of the award rendered by the Collector, on 11.06.2013. And, Mukhwinder Singh and Gurbinder Singh on 09.12.2013, Jaswant Singh on 10.12.2013, Kanwaljit Singh and Parmod Kumar on 07.05.2013. The claimant-land owners never denied their signatures on the receipts. The provisions of Section 18 of the Act are clear, concise and incapable of any misconstruction, for it postulates that any person who is aggrieved by the award rendered by the Collector, whether his objection be to the measurement of the land, the amount of the compensation, the persons to whom it is payable, or the apportionment thereof, can seek a reference to the Civil Court for determination of the dispute. However, proviso to the said provision requires that an application in this regard is required to be moved within six weeks from the date of Collector's award, if the person making it was present or represented before the Collector at the time of pronouncement of the award or in other cases within six weeks of the receipt of notice under Section 12(2) or within six months from the date of Collector's award whichever period shall first expire. Ex facie, the claimant-land owners had received the compensation in the year 2013, thus, they had a conclusive knowledge of the award dated 25.03.2013 rendered by the Collector, whereas the objections under Section 18 were filed on 03.11.2014, which indeed were time barred. Which is why, claimant-land owners even moved applications under Section 5 of the Limitation Act seeking condonation of delay in filing their claims under Section 18. Not just that, finding recorded by the Reference Court is that claimant-land owners were even present at the time of pronouncement of the award. If that be so, they were required to file objection under Section 18 within 6 weeks from the date of Collector's award. Thus, even from that

standpoint claims of the land owners were barred by time. That being so, the only and the inevitable conclusion that the Reference Court could reach was to decline the claim of the land owners. In fact, the Reference Court also examined the matter on merits, but as the claimant-land owners had failed to place on record any sale deed/sale instance to seek further enhancement, the Reference Court was choice-less but to dismiss their claim. Learned counsel for the appellant(s), on being pointedly asked, could not show as to how the conclusion arrived at by the Reference Court was either contrary to the record or suffers from any material illegality.

That being so, the appeals being devoid of merit are accordingly dismissed.

(Arun Palli)
Judge

September 25, 2017
Rajan

Whether speaking / reasoned:	YES
Whether Reportable:	NO