

RFA No. 3410 of 2017 (O&M)

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

**RFA No. 3410 of 2017 (O&M)
Date of decision: 20.11.2017**

Pawan Kumar and another

..... Appellants

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

Present : Mr. Rajesh Narang, Advocate
for the appellants.

ARUN PALLI, J. (Oral)

The claimant-landowners are in appeal against the award dated 25.8.2006, rendered by the Reference Court, vide which their claim under Section 18 of the Land Acquisition Act, 1894, has since been dismissed, being time barred.

Ex facie, provision of Section 18 envisages that objections to the award rendered by the Collector can be filed within six weeks, if the claimant-landowner was present or represented before the Collector at the time of pronouncement of the award, or within six weeks from the date of receipt of notice issued by the Collector under Section 12(2) of the Act, or within six months from the date of actual or constructive knowledge of the

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award passed by the Collector.

Concededly, the Land Acquisition Collector had assessed the market value of the acquired land vide award dated 30.11.2000. It has been specifically recorded by the Reference Court that a part of the compensation was received by the claimant-landowners immediately on pronouncement of the award. The petitioners had approached this Court vide CWP No. 15167 of 2000, for the balance compensation was not being released by the respondents. But as during the pendency of the said petition, the claimants were paid the balance amount, the petition was disposed of by the Division Bench, vide order dated 20.3.2001, being infructuous. That being so, the claimant/landowners indeed had the conclusive knowledge of the award dated 30.11.2000, rendered by the Collector, if not earlier, at least on 20.3.2001. Concededly, the objections under Section 18 were filed by the claimant-landowners on 4.4.2002/21.9.2002, i.e. after over a year from the date of knowledge. Thus, the claim of the landowners was apparently time barred. In fact, being conscious of the delay their claim suffered from, they had even prayed for condoning the delay. Needless to assert that provisions of Limitation Act do not apply to the proceedings under Section 18. The appeal in hand appears to be speculative and seems to have been filed as an afterthought. For, it suffers from a delay of over 10 years.

The application moved by the claimants under Order 41 Rule 27 of the Code of Civil Procedure to tender in evidence the order dated 20.3.2001, rendered by this Court in the petition filed by the claimants, would also not advance their cause, for rather, it shows that the claimants had conclusive knowledge of the award rendered by the Collector. On being

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pointedly asked, learned counsel for the appellants could not show as to how the conclusion arrived at by the Reference Court was either contrary to the record or suffered from any material illegality.

That being so, only and the inevitable conclusion that one could reach is; appeal is devoid of merit. And is accordingly, dismissed.

CM No. 8042-CI-2017

This is an application seeking condonation of delay of 3745 days in filing the accompanying appeal. For, vide order of even date, I have dismissed the appeal on merits, no formal order is required to be passed in the present application. The same is accordingly disposed of.

CM No. 8043-CI-2017

For, the order of an even date passed in the main case, learned counsel for the appellants does not press this application.

Dismissed as not pressed.

20.11.2017
AK Sharma

(ARUN PALLI)
JUDGE

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