

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

103

CR No.6550 of 2014
Date of Decision:17.01.2018

Gajjan Singh

...Petitioner

Versus

Raja Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Naresh Kaushal, Advocate
for the petitioner.

Mr. Deepak Sharma, Advocate
for respondents No.1, 3 and 6.

Ms. Dawanpreet Kaur, AAG, Punjab
for respondent No.7.

ANIL KSHETARPAL, J.(Oral)

Petitioner has filed this revision petition against the order dated 03.09.2014 passed by the learned Additional District Judge, SAS Nagar, Mohali.

In the present case, certain piece of land was acquired by the State vide award dated 17.08.2001. The award included land measuring 1 kanal and 16 marlas sold by Gajjan Singh and Ujaggar Singh vide sale deed dated 25.08.1992. However, on account of failure of revenue authorities to update the revenue record, the aforesaid sale deed escaped notice of the Land Acquisition Collector. Accordingly, compensation with respect to the land measuring 1 kanal and 16 marlas was also paid to Gajjan Singh and Ujaggar Singh. On a reference under Section 18, compensation was enhanced and the aforesaid enhanced compensation was also paid with regard to the land measuring 1 kanal and 16 marlas to Gajjan Singh and

High Court was being paid, the Land Acquisition Collector came to know that in fact, Gajjan Singh and Ujaggar Singh had sold land measuring 1 kanal and 16 marlas vide sale deed dated 25.08.1992 and, therefore, they were not entitled to compensation qua this land.

A report was sent to the Court of learned Additional District Judge, who after giving opportunity to the parties to lead evidence, decided the aforesaid issue and held that Gajjan Singh and Ujaggar Singh shall not be entitled to compensation for the land, which has already been sold and remaining compensation shall be adjusted accordingly. It is against this order the present revision has been filed.

I have heard learned counsel for the parties at length and with their able assistance gone through the documents filed before this Court.

Learned counsel for the petitioner has submitted that in view of Section 13-A of the Land Acquisition Act, 1894 Land Collector had no jurisdiction to correct clerical error after a period of 6 months. Section 13-A is extracted as under:-

“(1) The Collector may, at any time but not later than six months from the date of the award, or where he has been required under section 18 to make a reference to the Court, before the making of such reference, by order, correct any clerical or arithmetical mistakes in the award or errors arising therein either on his own motion or on the application of any person interested or a local authority: Provided that no correction which is likely to affect prejudicially any person shall be made unless such person has been given a reasonable

opportunity of making a representation in the matter.

(2) The Collector shall give immediate notice of any correction made in the award to all the persons interested.

(3) Where any excess amount is proved to have been paid to any person as a result of the correction made under sub-section (1), the excess amount so paid shall be liable to be refunded and in the case of any default or refusal to pay, the same may be recovered as an arrear of land revenue.”

A careful reading of the aforesaid statutory provision would prove that the collector does not have power to correct a clerical error after a period of 6 months of the date of award in the award. This provision does not deal with clerical error in the amount of compensation payable to each owner. The compensation is payable as per the separate sheet attached to the award, which is not part of the award. In the aforesaid sheet, there is an error which has been pointed out by the Land Acquisition Collector to the Competent Court, who has passed the order. In fact, the impugned order passed is by the Court and not by the Land Acquisition Collector. The Land Acquisition Collector has only sent the information to the Competent Court.

In view thereof, there is no ground to interference.

Revision petition is dismissed.

17.01.2018
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No