

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

268

CR-8118-2016

Date of decision : 16.01.2018

Dayaljeet @ Dayajit

...Petitioner

Vs.

Land Acquisition Collector and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL.

Present: Mr. Rajender Kumar, Advocate for
Mr. Pushpinder Kaushal, Advocate
for the petitioner.

Ms. Damanjeet Kaur, Asstt. Advocate General, Punjab.

...

ANIL KSHETARPAL, J. (Oral)

Land belonging to the petitioner was acquired. In the revenue record wrongly the petitioner was shown as daughter of Jabbar Singh. It was recorded as Dayaljeet daughter of Jabbar Singh. In fact, applicant claims that he is son of Jabbar Singh and his name is Dayaljeet @ Dayajit. This mistake was carried in the award passed by the Land Acquisition Collector as well as in the application under Section 18 of the Land Acquisition Act. Once the reference under Section 18 was decided and it came to the notice of the applicant that he has been shown wrongly as a daughter of Jabbar Singh rather than as a son. He moved an application under Sections 151, 152 and 153 of the Code of Civil Procedure.

Notice of the application was issued. The State of Punjab-respondents No. 1 to 3 did not dispute the correctness of the assertion but

only submitted that the application be allowed, subject to verification.

Learned Additional District Judge dismissed the application on the ground that he does not have jurisdiction to correct the award passed by the Land Acquisition Collector's application under Section 18 and the reference was decided.

In the considered opinion of this Court, the view taken by the learned Additional District Judge was erroneous. Award passed by the Land Acquisition Collector is subject to reference under Section 18 of the Land Acquisition Act for enhancement. Land Acquisition Collector is bound to make a reference to the Court, once application under Section 18 is submitted. It is the Court which decides reference under Section 18 of the Land Acquisition Act. Once the reference has been decided, the jurisdiction lies exclusively with the Court to correct clerical or typographical mistake. Section 152 of Code of Civil Procedure enables the Court to correct the clerical and arithmetical mistake in the judgment, decrees and orders. In the present case, the mistake appears to be only a clerical mistake.

In view thereof, the order under challenge is set aside. Learned Additional District Judge would disburse the compensation after verifying the correctness of the claim made by the petitioner about his entitlement.

Hence, the revision petition is disposed of.

16.01.2018

Harish Kumar/sheetal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No