IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.1628 of 2016 (O&M)
Date of Decision.29.11.2018

Kela Devi and others ...Appellants

Vs

State of Haryana and another ...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Ravinder Hooda, Advocate
for the appellants.

-.-

AMIT RAWAL J. (ORAL)

The appellant-plaintiff has not been successful in laying challenge to the notices No.4200 to 4210 dated 04.01.2012 issued under Section 13-A (3) of the Land Acquisition Act, 1894 by filing the suit for permanent injunction and declaration on 6.2.2012.

The main plank in the suit was that notices were without jurisdiction and barred by law of limitation, much less, there was no compliance of principles of natural justice.

Learned counsel appearing on behalf of the appellants submitted that as per the provisions of the aforementioned Act, defendants could not raise the demand directly as there has to be adherence to the principles of natural justice. The award was pronounced on 06.07.2009, therefore, demand in 2012 could not have been raised. It was barred by law of limitation. Even the story coined of excess payment with regard to wrong entry was neither here and there.

I am afraid aforementioned arguments are not sustainable, for, stand of the defendants with regard to wrong entry

PANKAJ KUMAR
2018.12.06 13:48
I attest to the accuracy and
integrity of this document

qua 29 kanals 18 marlas allegedly recorded in the name of the appellants-plaintiffs had not been disputed. No person can be permitted to take the advantage of wrong calculation and being ineligible cannot have wrongful gain. The provisions of aforementioned Act envisages that in the likelihood of non-payment of the demanded amount, excess amount can always be recovered as arrears of land revenue. In such circumstances, plea of limitation would not be attracted.

In this view of the matter, I do not find any illegality and perversity in the concurrent finding of fact rendered by the Courts below, much less, no substantial question of law arises for determination by this Court. No ground for interference is made out. Resultantly, the second appeal is dismissed.

(AMIT RAWAL)
JUDGE

November 29, 2018
Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No

PANKAJ KUMAR
2018.12.06 13:48
I attest to the accuracy and
integrity of this document