

CR-4441-2017 (O&M)

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

CR-4441-2017 (O&M)

Date of decision : 24.01.2019

Malook Singh

... Petitioner

Versus

The Land Acquisition Collector and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. C.M. Munjal, Advocate
for the petitioner.

Mr. Sandeep Mann, AAG, Punjab.

Mr. Sanjeev Soni, Advocate
for respondent No.3.

AMIT RAWAL, J. (ORAL)

The short point involved in the present revision petition is that on receipt of the application filed under Section 28-A of the Land Acquisition Act, Sub Divisional Magistrate, by exercising the powers of Collector, has sent the matter to the District Judge. The District Judge, while noticing that he did not have power, should not have adjudicated the issues on merits and remitted the matter, but decided the application being not maintainable. The provision of Section 28-A of the Land Acquisition Act, empowers the party to approach the Collector for redetermination of the issues.

Keeping in view the aforementioned facts, the impugned order is not sustainable in the eyes of law, thus, the same is hereby set aside. The

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application submitted by the petitioner before the Collector stands revived subject to all exceptions with regard to the objections qua maintainability, limitation etc.

With the aforesaid observations, the present revision petition stands disposed of.

24.01.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**