

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

113

CWP-5534-2019

Date of decision: 28.02.2019

Jawala & others

....Petitioners

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.Ravinder Rana, Advocate, for the petitioners.

G.S. SANDHAWALIA, J. (Oral)

Challenge in the present writ petition, filed under Articles 226/227 of the Constitution of India, is to the order dated 12.11.2018 (Annexure P-5) passed by respondent No.2, whereby the application filed under Section 28-A of the Land Acquisition Act, 1894 (for short, the 'Act') had been dismissed on the ground of limitation.

The application had been filed on 20.02.2014 on the strength of an award of the Reference court dated 01.06.2013 and being beyond limitation, has accordingly, been dismissed.

Admittedly, under Section 28-A(3), the petitioners have a right, as such, to get the matter referred to the Court in case the award is not accepted under sub-section (2). Said section reads as under:

“28A(3) Any person who has not accepted the award under sub-section (2) may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court and the provisions of sections 18 to 28 shall, so far as may be, apply to such reference as they apply to a reference under section 18.”

Faced with this situation, counsel does not press the present writ petition and prays that the same may be disposed of, as, such, with liberty to seek the remedy, as noticed above.

Ordered accordingly.

28.02.2019
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*