

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

**CWP No.19030 of 2018
Decided on : 04.04.2019**

Chalti Devi and others

... Petitioners

Versus

State of Haryana and others

... Respondents

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

Present: Mr. R.S. Sangwan, Advocate
for the petitioner.

Ms. Vibha Tewari, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

Challenge in the present writ petition filed under Article 226/227 of the Constitution of India is to the order dated 08.01.2018 (Annexure P-10) passed by respondent No.3 in an application filed under Section 28A of the Land Acquisition Act, 1894 (for short 'the Act').

The relief has been declined on the ground of limitation as such, since the petitioners are seeking re-determination of the amount of compensation, as granted vide Award dated 10.07.2013 (Annexure P-5) passed by the learned District Judge, Bhiwani in the case titled as 'Chandrawati Vs. State of Haryana and another'. The application had been filed on 26.09.2016 (Annexure P-9) and was held time barred.

Admittedly, the State has also taken a defence that there is a remedy available under Section 28A (3) of the Act for filing an application, so that the matter can be referred to the Civil Court for determination. Section 28A (3) reads as under:-

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“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.”

Accordingly, the present writ petition is disposed of with liberty to approach the respondent No.3 for referring the matter to the Civil Court for adjudication. Needless to say that this Court has not observed anything on the impugned order and it is open to the Civil Court to decide the issue on merits.

Disposed of.

APRIL 04, 2019
Naveen

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No