

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

RFA No. 3759 of 2019 (O & M)

Date of decision: 14.02.2020

Gurudwara Shree Teg Bhadur Sahab

....Appellant(s)

Versus

State of Haryana and another

...Respondent(s)

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

Present: Mr. Sandeep Goyal, Advocate,
for the appellant.

G.S.SANDHAWALIA, J. (Oral)

Refiling Application

Application for condonation of 14 days in refiling the appeal is allowed, in view of the averments made in the application duly supported by affidavit.

Delay condoned.

Filing Application

Application for condonation of 169 days in filing the appeal is allowed, in view of the averments made in the application duly supported by affidavit.

Delay condoned.

RFA No. 3759 of 2019

The present appeal is directed against the award of the Reference Court, Kaithal dated 02.11.2018 whereby, the reference has been declined on the ground of being barred by limitation. The Reference Court found that the award was passed on 27.12.2005 by the Land Acquisition Collector in pursuance of the acquisition proceedings which were initiated

under Section 4 on 18.08.2005. The petition under Section 18 of the Land Acquisition Act, 1894 (in short 'the Act') had been filed on 30.11.2016 after gap of more than 12 years. Resultantly, keeping in view the provisions of Section 18 and the judgment of the Apex Court in ***The Officer on Special Duty (Land Acquisition) and another vs. Shah Manilal Chandulal, JT 1996 (2) 278 SC***, it was held that the petition was time barred as such. Reliance was also placed upon the judgment in ***RFA No. 1725 of 1991, Sampuran Singh (D) through L.Rs. vs. State of Haryana*** decided on 03.02.2017 to the same extent.

A perusal of the paper book would go on to show that the matter had been finally decided by the Apex Court on 30.04.2014 (Ex.PF) wherein, the market value as such of the acquired land was finalized and, therefore, the reference was filed on such finalization after the period of 12 years.

In view of the settled principle of law that the Act itself provides the limitation and, therefore, the same cannot be condoned, the order does not suffer from any illegality and cannot be interfered with.

The argument of the counsel that the interest of the State can be protected by denying the interest for the delayed period is not acceptable keeping in view the fact that the judgments which have been relied upon i.e. ***Samiyathal and others vs. Spl. Tehsildar and others, 2015 (2) RCR (Civil) 441; Imrat Lal and others vs. Land Acquisition Collector and others, 2014 (14) SCC 133; K. Subbarayudu and others vs. Special Deputy Collector (Land Acquisition), 2017, (4) RCR (Civil) 428; Huchanagouda vs. Assistant Commissioner and Land Acquisition Officer and another, 2019 (5) RCR (Civil) 663; Ningappa Thotappa Angadi (D) through L.Rs.***

vs. Special Land Acquisition Officer and another, 2019 (12) JT 289, all are pertaining to the delay in filing of the appeals and not the delay in preferring the reference petition. The applicability of the Limitation Act to the appeal is a different aspect altogether and, therefore, the judgments which have been relied upon would be of no value to the appellant as no case has been cited wherein the said principle has been laid down regarding the power of the Reference Court to condone the delay.

Accordingly, there is no merit in the appeal and the same is dismissed.

14.02.2020
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(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No