

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

ASHOK KUMAR
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RFA-1483-2021 (O&M)

Date of decision: 17.09.2021

STATE OF HARYANA

..Appellant

Versus

KHICHHU DECEASED THROUGH LRS AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Shivendra Swaroop, AAG, Haryana.

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The State of Haryana has assailed the correctness of the judgment passed by the learned Additional District Judge, Faridabad on 12.02.2020 while deciding the petition under Section 18 and 30 of the Land Acquisition Act, 1894, for enhancement of the compensation of the acquired land. As regards the quantum of the market value, the matter stands concluded up to the Hon'ble the Supreme Court vide a judgment dated 14.07.2021.

The learned counsel representing the appellant contends that the application under Section 18 of the 1894 Act was filed beyond the time prescribed. He submits that the land was acquired vide an award No.16 dated 27.08.2010 whereas the respondent filed application under Section 18 on 14.01.2013. Learned Additional District Judge has considered the aforesaid

fact and recorded the following finding:-

“The land was acquired vide award No.16 dated 27.08.2010. Petitioners filed this petition on 14.01.2013. No amount of the compensation was received by the petitioners as it is evident from statement No.19 supplied by Land Acquisition Collector. Further, the petitioners in their petition stated that no notice under section 12(2) of the Act was received by them. PW1 testified this fact on oath in affidavit Ex.PW1/A. no material cross examination was conducted on this count. The respondents have not placed on the record copy of any notice and report of serving official in order to establish that due notice was served upon the petitioners in respect of acquisition of their land vide impugned award. Therefore, present petition is within limitation. My view gets strength from **Narendra and others vs. State of Uttar Pradesh and others 2017(9) Supreme Court cases 426, A. Viswanatha Pillai vs. The Special Tehsildar for Land Acquisition 1991 (2) RRR 416, Bhagwan Das and others vs. State of Uttar Pradesh 2010 (3) Supreme Court Cases 545 and Jaswant Rai vs. Land Acquisition Collector PULD Mohali 1989 AIR 261.**”

Learned counsel representing the appellant although made sincere attempts, despite that failed to draw the attention of the Court to any error in the aforesaid finding.

In absence of notice under Section 12(2) of the 1894 Act, the limitation for filing application under Section 18 of the 1894 Act, will begin to run from the date of knowledge. In the present case, even the compensation was not received by the land owners. When one of the land owners appeared in evidence, the learned State counsel failed to impeach his credibility.

Keeping in view the aforesaid facts, no ground to interfere in the

impugned order is made out.

Dismissed.

All the pending miscellaneous application(s), if any, are also
disposed of.

17.09.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE