

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

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**CWP-1221-2022 (O&M)
Date of decision:09.02.2022**

SURINDER SINGH AND ORS

...Petitioners

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Ms. Priyanka Kumari, Advocate, for
Ms. Gurmeet Kaur, Advocate,
for the petitioner.**

Mr. Ayush Sarna, Assistant Advocate General, Punjab.

ANIL KSHETARPAL, J (Oral)

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

The learned counsel representing the petitioners admits that the amount of compensation as per the award passed by the Land Acquisition Collector has been duly received by the petitioners during the years 2010-2011. An application under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the 1894 Act') has been filed after a period of 10 years from the date of the award passed by the Land Acquisition Collector.

In the writ petition, the petitioners pray for issuance of a writ in the nature of mandamus to direct the Land Acquisition Collector to refer the matter to the Court under Section 18 of the 1894 Act which is extracted as under:-

“18. Reference to Court.-

(1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, or the apportionment of the compensation among the persons interested.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made-

(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;

(b) in other cases, within six weeks of the receipt of the notice from the Collector under section 12, sub-section (2), or within six months from the date of the Collector's award, whichever period shall first expire.”

It is evident from the reading of the aforementioned provision that the request to the Collector for referring the matter to the Court is required to be submitted within the maximum period of six months from the date of Collector's award. The Supreme Court, while liberally interpreting the said provision, has held that the period of 6 months is required to be calculated from the date of service of notice under Section 12 or from the date on which the amount was received by the owner which will be treated as the date of knowledge.

A larger Bench of the Supreme Court in **Mohd. Hasnuddin vs. State of Maharashtra, (1979) 2 SCC 522**, has held that neither the Land Acquisition Collector nor the Reference Court has the jurisdiction to condone the delay after the expiry of the limitation period of 6 months. In the present case, the petitioners, after having received the amount of compensation assessed by the Land Acquisition Collector, cannot claim that they did not have the knowledge of the award.

Consequently, finding no merit, the writ petition is dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

February 09, 2022
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No