

261 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1. RFA-1335-2019 (O&M)

Baljit Kaur and others ...Appellants

Versus

State of Haryana and another ...Respondents

2.RFA-2098-2021 (O&M)

Ramesh Chand since deceased through
his LR'sAppellants

Versus

State of Haryana and anotherRespondents

3.RFA-2545-2019 (O&M)

Ram Sarup, since deceased through his LR'sAppellant

Versus

State of Haryana and anotherRespondents

4.RFA-2137-2021 (O&M)

Hardev Singh and anotherAppellants

Versus

State of Haryana and anotherRespondents

5.RFA-2155-2021 (O&M)

Iqbal SinghAppellant

RFA-1335-2019 (O&M)	
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Versus	
State of Haryana and another	Respondents
6.RFA-2139-2021 (O&M)	
Shanti Devi	Appellant
Versus	
State of Haryana and another	Respondents
7.RFA-2573-2019 (O&M)	
Raman Mehta and another	Appellants
Versus	
State of Haryana and another	Respondents
8.RFA-1630-2019 (O&M)	
Avtar Singh	Appellant
Versus	
State of Haryana and another	Respondents
9.RFA-2508-2019 (O&M)	
Milkhi Ram	Appellant
Versus	
State of Haryana and another	Respondents
10.RFA-2317-2021 (O&M)	
State of Haryana and another	Appellants

RFA-1335-2019 (O&M)
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Versus

Ram Sarup
....Respondent

11.RFA-1610-2021 (O&M)

The State of Haryana and another
....Appellants

Versus

Avtar Singh
....Respondent

12.RFA-1599-2021 (O&M)

The State of Haryana and another
....Appellants

Versus

Smt. Baljit Kaur and others
....Respondents

13.RFA-1595-2021 (O&M)

The State of Haryana and another
....Appellants

Versus

Bhupinder Kaur and others
....Respondents

14.RFA-2316-2021 (O&M)

State of Haryana and another
....Appellants

Versus

Raman Mehta and another
....Respondents

15.RFA-2322-2021 (O&M)

State of Haryana and another
....Appellants

**RFA-1335-2019 (O&M)
and connected cases**

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Versus

Ramesh Chand

....Respondent

16.RFA-2305-2021 (O&M)

State of Haryana and another

....Appellants

Versus

Milkhi Ram

....Respondent

17.RFA-2314-2021 (O&M)

State of Haryana and another

....Appellants

Versus

Savita Rani

....Respondent

Date of decision: 30.03.2022

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Shivendra Swaroop, AAG, Haryana

Mr. Pankaj Bali, Advocate for
Mr. Deepak Sharma, Advocate
Mr. Sudhir Paruthi, Advocate for the landowners

ANIL KSHETARPAL, J (Oral)

By this order a batch of 17 Regular First Appeals i.e RFA-1335 of 2019, 2098 of 2021, 2545 of 2019, 2137 of 2021, 2155 of 2021, 2139 of 2021, 2573 of 2019, 1630 of 2019, 2508 of 2019, 2317 of 2021, 1610 of 2021, 1599 of 2021, 1595 of 2021, 2316 of 2021, 2322 of 2021, 2305 of 2021 and 2314 of 2021 will stand disposed of.

The present Regular First Appeals have been filed under

Section 54 of the Land Acquisition Act, 1894. In order to utilize the land for developing residential and industrial area for Sector 23, Model City, the Haryana Government issued notification dated 28.02.2006 under Section 4 of the 1894 Ac. The particulars are as under:-

“The Ist Acquisition (For developing Sector 23):-i)

28.02.2006- Notification U/s 4 of the 1894 Act proposing to acquire the land in the villages, namely Jandli (165.13 acres), Kanwli (50.45 acres), Saunda (33.91 acres) and Sarai Mehdood (3.86 acres) for developing a residential and commercial colony, namely Sector 23 by the Haryana Urban Development Authority, Haryana (hereinafter referred to as “the HUDA”) was issued.

ii) 27.02.2007 -The notification under Section 6 of the 1894 Act was issued.

iii) 03.03.2009- Award No. 4 with respect to 87.55 acres of land was announced, while offering to pay, to the landowners of village Jandali, an amount @ ₹10,00,000/- per acre, whereas the landowners of the acquired land of the villages, namely Kanwli, Saunda and Sarai Mehdood, were offered an amount @ ₹8,00,000/- per acre.

iv) 29.08.2014:- The RC, in the first round, assessed the market value of the acquired land @ ₹ 2,950/- per square yard vide judgment dated 29.08.2014. Accordingly, the per acre price works out to ₹1,42,78,000/-.

v) 28.10.2016:- The date of re-decision, after remand, by the RC.

The Second Acquisition(For developing Sector

22):- i) 20.07.2006: The notification U/s 4 of the 1894

Act was issued proposing to acquire the land of villllages- Kanwla, Kanwali, Jandli and Sarai Mehdood for developing Sector 22 by the HUDA.

ii) 19.07.2007: The declaration under Section 6 of the 1894 Act was issued.

iii) 17.07.2009: The LAC vide award No. 3 dated 17.07.2009 offered to pay, to the landowners of village Jandali, an amount @ ₹10,00,000/- per acre, whereas the landowners of the acquired land of the villages, namely Kanwla, Kanwali and Sarai Mehdood were offered an amount @ ₹8,00,000/- per acre.

iv) 24.04.2012: In the first round, the RC assessed the market value of the acquired land on the date of the notification under Section 4 of the 1894 Act @ ₹499/- per square yard, vide judgment dated 24.04.2012. Accordingly, the per acre price works out to ₹ 24,15,160/-.

v) 09.11.2016, 25.03.2019 & 16.04.2021: The date of redecision, after remand, by the RC in different batches vide judgments dated 09.11.2016, 25.03.2019 & 16.04.2021.”

A batch of appeals has already been decided by this Bench vide judgment rendered in RFA-484-2021 titled as **State of Haryana and another vs. Baljinder Kaur** decided on 19.1.2022 . In these 17 appeals the question is as to whether the application under Section 18 of the 1894 Act was filed before the Collector within time prescribed under Section 18(2) of the Act or not? It is evident that the Reference Court has decided the aforesaid issue on limitation in a cursory manner.

The Reference Court has not given any finding as to when the

landowners gained knowledge of the award passed by the Land Acquisition Collector. The limitation as per Section 18(2) begins to run from the date of award. The Supreme Court while liberally interpreting has held that the period will begin to run from the date of knowledge in case a notice under Section 12 was not served on the landowners. In other words, the maximum period prescribed for filing an application under Section 18 (1) is six months from the date of knowledge of the award.

Learned State counsel has submitted that all these landowners were paid compensation in the years 2005, 2009, 2010, 2013 and 2016. It is also evident that the Reference Court in the case of Avtar Singh has calculated the limitation from the date of judgment itself. The larger Bench of the Supreme Court in '**Mohd. Hasnuddin vs. State of Maharashtra (1979) 2SCC 522**', has held that neither the Land Acquisition Collector nor the Reference Court has the jurisdiction to condone the delay.

Thus, it is necessary to determine as to when the landowner had the knowledge of the award of the Land Acquisition Collector.

Keeping in view the aforesaid facts, the matter is remitted back to the Reference Court to re-decide the matter after granting opportunity of leading additional evidence to both the parties.

Disposed of.

Let the Reference Court decide the matter within six months from today.

Parties through their counsel are directed to appear before

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the Reference Court on 22.04.2022.

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

30.03.2022
rekha
Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE