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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

LPA-506-2022

DHAN DEVI AND ORS

....APPELLANTS

VS

UNION OF INDIA AND ANOTHER

....RESPONDENTS

LPA-505-2022

ASHWANI KUMAR

....APPELLANT

VS

UNION OF INDIA AND ANOTHER

....RESPONDENTS

LPA-507-2022

SURESH PATHANIA

....APPELLANT

VS

UNION OF INDIA AND ANOTHER

....RESPONDENTS

DECIDED ON: 04.07.2022

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH  
HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. A.S. Bhatti, Advocate  
for the appellants.

Mr. Sunil Kumar Sharma, Sr. Panel Counsel  
for the respondent-Union of India.

AUGUSTINE GEORGE MASIH, J. (ORAL)

By this common order, we dispose of three appeals i.e. LPA-506-2022, LPA-505-2022 and LPA-507-2022. The facts are being taken from LPA No.506 of 2022.

Challenge in this appeal is to the judgment passed by learned

Single Judge dated 29.03.2022, whereby the writ petition preferred by the appellants challenging the order dated 18.10.2021 passed by the Sub Divisional Magistrate-cum-Land Acquisition Collector, Hoshiarpur dismissing the application under Section 28-A of the Land Acquisition Act, 1894, stands challenged.

It is the contention of the learned counsel for the appellants that earlier the appellants have moved an application under Section 28 of the Land Acquisition Act, 1894 for grant of relief. The said application was dismissed by the Collector, which was challenged by the petitioners by filing CWP No.38046 of 2018, which was decided by the learned Single Judge on 21.12.2018(Annexure P-5). In the said judgment, the learned Single Judge had proceeded to dispose of the writ petition while giving liberty to the appellants to avail of their alternative and efficacious remedy available to them under Section 28-A(3) of the Land Acquisition Act, 1894. It is in pursuance thereto that an application under Section 28-A(3) of the Land Acquisition Act, 1894 was preferred by the appellants. The said application has been dismissed by the Collector, Hoshiarpur vide order dated 18.10.2021 (Annexure P-6) on the ground of delay as more than 8 years had passed from the date of passing of the judgment of the Supreme Court on 19.01.2011, whereby the acquisition proceedings qua the land, which was the subject matter of the acquisition out of which the claim of the appellants had arisen, were decided.

Counsel for the appellants having asserted that the appellants having approached this Court by way of a writ petition, which was disposed of vide order dated 21.12.2018 granting liberty to the appellants to move

an application under Section 28-A(3) of the Land Acquisition Act, 1894, the said application could not have been dismissed as the same was filed within a period of 6 months from the date of disposal of the writ petition by this Court i.e. on 12.03.2019. He, therefore, contends that the impugned order cannot be sustained.

This contention of the learned counsel for the appellants cannot be accepted in the light of the fact that the factual position with regard to the finalization of the proceedings with regard to the acquisition of the land had attained finality upto the Supreme Court on 19.01.2011, whereby the appeal of the Union of India stood dismissed. The date on which the right accrues to the appellants was the said date and maximum period being 6 months had to be taken into consideration from the said date for calculating limitation.

The appellants had approached the Collector by filing an application under Section 28-A of the Land Acquisition Act, 1894 on 04.11.2011, which also was after a period of limitation as prescribed under the Land Acquisition Act, 1894 i.e. 3 months for proceedings under Section 28-A of the Land Acquisition Act, 1894 but in any case not beyond 6 months. The application was initially dismissed which order had been challenged by way of a writ petition, which writ petition was also decided vide order dated 21.12.2018. In the said order, there is nothing mentioned by this Court with regard to the period spent by the appellants in pursuing the said remedy. Meaning thereby that the period spent in that process had not been condoned or had to be taken into consideration because of availing a wrongful remedy.

In any case, in the light of the settled proposition of law that the

Land Acquisition Collector is not a Court and therefore, unless provided for in the statute, which is the maximum period of 6 months, the Collector could not have granted any period beyond the said specified under the statute. The Collector has, therefore, rightly proceeded to dismiss the application preferred by the appellants under Section 28-A of the Land Acquisition Act, 1894.

The judgment passed by learned Single Judge being based upon proper appreciation of the facts and the legal position, do not call for any interference by this Court in the present appeal.

The appeals, therefore, stand dismissed by upholding the order dated 29.03.2022 passed by the learned Single Judge.

**(AUGUSTINE GEORGE MASIH)**  
**JUDGE**

**(SANDEEP MOUDGIL)**  
**JUDGE**

**04.07.2022**

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|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether reportable</i>        | <i>Yes/No</i> |