

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA-2211-2019 (O&M)
Reserved on: 27.07.2022
Date of decision: 02.08.2022

RATI RAM AND ORS.

..Appellants

Versus

STATE OF HARYANA AND ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANILKSHETARPAL

Present: Mr. Shailendra Jain, Sr. Advocate
with Mr. Satyendra Chauhan, Advocate
for the appellants.

Mr. Shivendra Swaroop, AAG, Haryana.

ANIL KSHETARPAL, J.

1. The landowners assail the correctness of award passed by the Reference Court (hereinafter referred to as 'the RC') while deciding the petition under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the 1894 Act') vide judgment dated 19.05.2018. The reference application filed by the appellants has been dismissed on the ground that it was filed beyond the period prescribed.

The details of the said acquisition are extracted as under:-

<i>Date of Notification under Section 4</i>	<i>25.01.2008</i>
<i>Village/City, Hadbast No.</i>	<i>Hayatpur, District Gurgaon,</i>
<i>Total Extent acquired</i>	<i>1.2 acres</i>
<i>Purpose of acquisition</i>	<i>For the development and utilization of land for 150 mtrs. wide periphery road linking Dwarka Township Delhi from Haryana Boundary to NH8 near village Kherki Daula at Guargaon</i>
<i>Collector's Award</i>	<i>Rs.60 lacs per acre</i>

2. The Land Acquisition Collector (hereinafter referred to as “the LAC”) vide award No.16 dated 26.09.2008, assessed the market value of the acquired land at the rate of Rs.60,00,000/- per acre. The appellants submitted an application under Section 18 of the 1894 Act to the LAC on 06.03.2014 while claiming that it has been submitted within the period prescribed for its submission. The RC has held that the appellants received the amount on 03.11.2009, under the award No.16 dated 26.09.2008, therefore their application was beyond the prescribed period of limitation.

3. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

4. At the outset, it is important to note that a Larger Bench of the Supreme Court in **Mohd. Hasnuddin Vs. State of Maharashtra (1979) 2 SCC 572.**, concluded that neither the LAC nor the RC has any power to condone the delay in filing application under Section 18 of the 1894 Act. It has been held that such application should not be referred by the LAC to the Court and even it is referred, the same is liable to be outrightly rejected.

5. It may be noted here that in various judgments including **Raja Harish Chandra Raj Singh Vs. Deputy Land Acquisition Officer and another, AIR 1961 (SC) 1500, Parsottambhai Maganbhai Patel and others Vs. State of Gujarat, (2005) 7 SCC 431, Mahadeo Bajirao Patil Vs. State of Maharashtra and others, (2005) 7 SCC 440, and, Bhagwan Dass and other Vs. State of Uttar Pradesh and others (2010) 3 SCC 545,** the Apex Court has held that the period of limitation in absence of receipt of notice under Section 12 of the 1894 Act by the landowners shall begin to run from the date of actual and constructive knowledge of the award passed by the LAC.

6. Now, the question that needs adjudication is “as to whether the appellants on receipt of the amount under the award on 03.11.2009 had the actual and constructive knowledge of the award passed by the LAC on 26.09.2008 or not?”

7. At the cost of repetition, it may be noted that the appellants while filing the application under Section 18 do not claim that they have no actual or constructive knowledge of the award passed by the LAC. It may further be noted here that essentially the award contains information with regard to the extent of land acquired and the market value assessed by the LAC. Neither before the RC nor before this Court, the learned counsel representing the appellants made an attempt to draw the attention of the Court to any substantive evidence to prove that they did not have actual and constructive knowledge of the passing of the award. The judgments relied upon by the learned counsel representing the appellants have laid down that the period of limitation would begin to run from the date of actual and constructive knowledge of the award passed by the LAC. In the absence thereof, this Court is left with no choice but for to dismiss the appeal, particularly when neither in the application under Section 18 of the 1894 Act nor in evidence the appellants have proved that they had no actual knowledge of the passing of the award particularly when they received the amount payable under the LAC's award on 03.11.

8. Consequently, finding no merit, the appeal is dismissed.

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

02nd August, 2022

(ANIL KSHETARPAL)
JUDGE

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Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No