

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

**CWP-14416-2022 (O&M)
Date of decision: 11.07.2022**

Jeet Singh and others

...Petitioners

Versus

Land Acquisition Collector-cum-SDM, Chandigarh-
Ludhiana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.S.Manhas, Advocate
 for the petitioners.

Mr. Som Nath Saini, Advocate for
Mr. Arvind Seth, Advocate
for respondents No.2 and 3.

ANIL KSHETARPAL, J. (ORAL)

Complaining failure to decide the application filed under
Section 28-A of the Land Acquisition Act 1894 by the Land Acquisition
Collector, the petitioners have filed the present writ petition. Section 28-A
of the Land Acquisition Act 1894 reads as under:-

**“28-A Re-determination of the amount of compensation on
the basis of the award of the Court.**

(1) Where in an award under this Part, the Court allows to the applicant any amount of compensation in excess of the amount awarded by the Collector under section 11, the persons interested in all the other land covered by the same notification under section 4, sub-section (1) and who are also aggrieved by the award of the Collector may, notwithstanding that they had not made an application to the Collector under section 18, by written application to the Collector within three months from the date of the award of the Court require that the amount of compensation payable to them may be re-determined on the basis of the amount of compensation awarded by the Court: Provided that in computing the period of three months within which an application to the Collector shall be made under this sub-section, the day on which the award was pronounced and the time requisite for obtaining a copy of the award shall be excluded.

(2) The Collector shall, on receipt of an application under sub-section (1), conduct an inquiry after giving notice to all the persons interested and giving them a reasonable opportunity of being heard, and make an award determining the amount of compensation payable to the applicants.

(3) Any person who has not accepted the award under sub-section (2) may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court and the provisions of sections 18 to 28 shall, so far as may be, apply to such reference as they apply to a reference under section 18.”

In the present case, the petitioners rely upon the award passed by the reference Court on 10.10.2008 whereas, they have filed the application under Section 28-A on 11.01.2010. It is also evident that the petitioners themselves admit that there is a delay in filing the application. Section 28-A provides that such application shall be filed within a period of three months, from the date of the award of the Court. As per proviso to Section 28-A(1), the time requisite for obtaining a certified copy is required to be excluded. There is no provision for condoning the delay in filing the application under Section 28-A(3). In fact Section 28-A provides for limitation similar to the provision under Section 18 of the Land Acquisition Act. In **Mohd. Hasnuddin vs. State of Maharashtra (1979) 2 SCC 572**, a larger Bench of Hon'ble the Supreme Court has held that no application after the expiry of limitation is maintainable.

In view of the above, no ground to interfere in the present writ petition.

Dismissed.

(ANIL KSHETARPAL)
JUDGE

11.07.2022

Hemlata

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No