

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

Reserved on:- **Aug 07, 2023**

Date of Pronouncement:- **October,20, 2023**

1. CR-309-2017 (O&M)
Subeg Singh & another ...Petitioners

vs.

Land Acquisition Collector & others ...Respondents

2. CR-310-2017 (O&M)
Harkewal Singh ...Petitioner

vs.

Land Acquisition Collector & Others ...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rajesh Kumar Girdhar, Advocate
for the petitioners.

Mr. Abhinash Jain, DAG, Haryana.

HARKESH MANUJA, J.

1. Basic facts and law points involved in both these revision petitions are identical and so they are being taken up together. The present revision petitions have been filed against the order dated 26.04.2016 passed by Ld. Additional District Judge, Sri Muktsar Sahib; whereby in reference petition filed by the petitioners invoking Section 18 of Land Acquisition Act, 1894 (hereinafter referred as 1894 Act) against the award dated 26.09.2001, application filed for condonation of delay has been dismissed.

2. Briefly stated, facts of the case are that land of petitioners was acquired vide notifications dated 01.09.1997 and 09.09.1999

issued under Sections 4 & 6 respectively, of the 1894 Act and award in relation to this acquisition was passed on 26.09.2001. Aggrieved with the said award of compensation, the petitioners preferred reference petition under Section 18 of 1894 Act on 01.07.2015, seeking enhancement of the market value of acquired land.

3. However, application filed by the petitioners for the condonation of delay was dismissed by the Ld. ADJ, Sri Muktsar Sahib vide order dated 26.04.2016.

4. It is the admitted position of fact in the present case that compensation was received by the petitioners in 2001 itself, while the reference petition under Section 18 of the 1894 Act was filed on 01.07.2015 i.e. after more than 14 years of receiving the compensation.

5. Legal issue applicable in the present petition; that what shall be the limitation period in cases where landowners had already received the compensation, has been discussed and dealt by this Court in detail in case titled as **"Dinesh Kumar & Others vs. State of Haryana & Others"** bearing case no RFA-442-2015, relevant para of which is reproduced here under:

"20. Thus, as a crux of the discussion made hereinabove, following points of law may be summarized on the basis of the judgments of the Hon'ble Apex Court:-

*i) "The date of the award" used in the section 18(2)(b) must be the date when the award is either communicated to the party or is known by him either actually or constructively. [**"Raja Harish Chandra Raj Singh v. The Deputy Land***

- Acquisition officer”, reported as AIR 1961 Supreme Court]**
- ii) *Date on which compensation was received can be conclusively taken as the date of knowledge of award and application for a reference has to be made within six months from this date. [“**State of Punjab v. Mst Qaisar Jehan Begum and another**”, reported as AIR 1963 Supreme Court 1604]*
 - iii) *Actual or constructive knowledge of the contents of the award can be established by the Collector by proving that the person interested had received or drawn the compensation amount for the acquired land. [“**Bhagwan Das & Ors. v. State of U.P. and Ors.**”, reported in AIR 2010 Supreme Court 1532]*
 - iv) *The purpose of giving 6 months, when limitation in a particular reference is covered by the second part of 18(2)(b), is that once the landowner gets knowledge of the award, he could make sincere efforts to get a copy of the award and then accordingly make a reference application. [“**Premji Nathu v. State of Gujarat and Anr.**”, reported as AIR 2012 Supreme Court 1624]*
 - v) *Making of an application for reference within the time prescribed by proviso to Section 18, sub-section (2) is a sine qua non for a valid reference by the Collector and therefore, it is the duty of reference Court to see that the reference made to it by the Collector under Section 18 complies with the conditions laid down therein so as to give the court jurisdiction to hear the reference. [“**Mohd. Hasnuddin v. State of Maharashtra**” reported as (1979) 2 SCC 572]”*

6. In view of the discussion made above, it is held that learned reference Court committed no illegality while dismissing the

application for condonation of delay and thus, both the revision petitions are also dismissed being devoid of any merit.

7. Pending miscellaneous application(s), if any, shall also stand disposed of.

October 20, 2023
sanjay

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned :
Whether reportable

Yes/No
Yes/No