

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

CR-6817-2017

Date of decision: 01.08.2023

KULDIP SINGH @ KULDEEP SINGH

...Petitioner

V/s

UNION OF INDIA & ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sandeep Bansal, Advocate
for the petitioner.

Mr. Navneet Singh, Sr. DAG, Punjab
(for respondents No.2 to 5).

HARKESH MANUJA J. (ORAL)

By way of present revision petition, challenge has been made to an award dated 03.03.2017 (Annexure P-1) passed by Reference Court-cum-Additional District Judge, Hoshiarpur, whereby, the reference petition filed under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act'), at the instance of the petitioner-landowner stands rejected being barred by limitation.

2. Briefly stating, the land owned by the petitioner, situated in village Rara, Tehsil Dasuya, District Hoshiarpur came to be acquired vide notification dated 29.01.1996 issued under Section 4 of the Act followed by notification dated 20.02.1996 issued under Section 6 thereof and award No.1 was passed by the Land Acquisition Collector-cum-SDM, Dasuya on 22.05.2002.

3. Being dissatisfied with the award, the petitioner-landowner invoked Section 18 of the Act by filing reference petition before the learned Collector, which was sent to the Reference Court-cum-Additional District Judge, Hoshiarpur for its adjudication.

4. The aforesaid reference petition has been dismissed being barred by limitation by passing the judgment dated 03.03.2017 which has been impugned by way of present revision petition.

5. Learned counsel for the petitioner submits that in the present case, the award under Section 11 was passed on 22.05.2002, whereas, neither the petitioner nor any of his representative was present at the time of passing of the award, more so, no notice under Section 12(2) of the Act was ever served upon the petitioner as regards the contents of the award. Learned counsel further submits that reference petition under Section 18 of the Act was invoked on 07.11.2013 as the factum of passing of the award came to the notice of the petitioner only on 04.09.2013, and thus, same was within limitation as contemplated under Sub-section (2) of Section 18 of the Act.

6. On the other hand, learned State counsel representing respondents No.2 to 5 has vehemently opposed the prayer made in the present petition while supporting the order passed by the learned Reference Court.

7. I have heard the learned counsel for the parties and have gone through the paper book. I find substance in the submissions made on behalf of the petitioner. In the present case, the award under Section 11 of the Act was passed on 22.05.2002. Neither any document has been proved on record

to show that the petitioner or any of his representative was present at the time of announcement of award nor any notice as contemplated under Sub-section (2) of Section 12 of the Act received by the petitioner about the contents of the award has been proved on record. In the absence of performance of the statutory obligation casted upon the respondents, as enjoined under Sub-section (2) of Section 12 read with Clause (b) to Sub-section 2 of Section 18 of the Act, the findings recorded by the Reference Court-cum-Additional District Judge, Hoshiarpur, declining the reference petition being barred by limitation are wholly unsustainable.

8. In view of the discussion made hereinabove, the impugned order/judgment dated 03.03.2017 passed by Reference Court-cum-Additional District Judge, Hoshiarpur, dismissing the reference petition filed at the instance of the petitioner being barred by limitation is hereby set aside and the matter is remanded to the Reference Court for deciding the same afresh on merits.

9. Present revision petition stands disposed of.

01.08.2023
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No