

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

CR-7884-2017 (O&M)

Date Reserved:- **Jul 26, 2023**

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

Ajit Rai Joshi

...Petitioner

vs.

State of Punjab & Others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Arun Bansal, Advocate
for the petitioner.
Mr. Athar Ahmed, DAG, Punjab

HARKESH MANUJA, J.

1. The present revision petition has been filed against the judgment and order dated 03.03.2017 passed by Ld. Additional District Judge, Hoshiarpur; whereby reference filed by the petitioner invoking Section 18 of Land Acquisition Act, 1894 (hereinafter referred as 1894 Act) against the award dated 07.03.2012 has been dismissed on the ground of limitation.

2. Briefly stated, facts of the case are that land of petitioner was acquired vide notifications dated 10.06.2011 and 09.09.2011 issued under Sections 4 & 6 respectively, of the 1894 Act and award in relation to this acquisition was passed on 07.03.2012. Aggrieved with the said award of compensation, petitioner preferred reference petition u/s 18 of 1894 Act on 17.04.2014, seeking enhancement of the market value of acquired land.

3. The Ld. ADJ, Hoshiarpur dismissed the aforementioned petition vide its order dated 03.03.2017 on the ground of limitation.

4. It is the admitted position of fact in the present case that compensation was received by the petitioner on 04.05.2012, while the reference petition under Section 18 of the Act was filed on 17.04.2014 i.e. after approximately 2 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 reference petition barred by limitation and thus, the present revision petition is 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 : Yes/No
Whether reportable : Yes/No