

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

RFA-860-2023 (O&M)

Reserved on:- **July 14, 2023**

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

Prem Singh & Others ...Appellants

vs.

State of Haryana & Others ...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sanjay Vij, Advocate
for the appellants.

HARKESH MANUJA, J.

1. The present appeal has been filed against the judgment dated 02.01.2023 passed by Ld. Additional District Judge, Gurugram (hereinafter referred to as 'the Reference Court'); whereby reference filed by the appellants invoking section 18 of Land Acquisition Act, 1894 (hereinafter referred as 1894 Act) against the award dated 18.11.2005 has been dismissed on the ground of limitation.

2. Briefly stated, facts of the case are that land of appellants was acquired vide notifications dated 15.11.2002 and 12.11.2003 under Sections 4 & 6 respectively of the 1894 Act and thereafter, the award was passed on 18.11.2005. Aggrieved with the said award of compensation, the appellants preferred reference petition under Section 18 of 1894 Act on 24.09.2018, seeking enhancement of the market value of acquired land.

3. The Reference Court dismissed the aforementioned petition vide its award dated 02.01.2023 on the ground of limitation.

4. It is the admitted position of fact in the present case that compensation was received by the appellants in January 2006, while the reference petition under Section 18 of the 1894 Act was filed on 24.09.2018 i.e. after more than 12 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 this appeal is thus 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