

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.4762 of 2019(O&M)
Date of Decision: 08.11.2023

AMANDEEP SINGH AND ANOTHER

.....Petitioners

Vs

STATE OF PUNJAB AND OTHERS

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present:Mr. S.K. Singla, Advocate
for the petitioners.

Mr. Athar Ahmad, DAG, Punjab.

HARKESH MANUJA, J.(Oral)

By way of the present revision petition, challenge has been made to an award dated 11.03.2019 passed by the reference Court, whereby the reference petition filed under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as 'Act') at the instance of the petitioners-landowners stands dismissed being barred by limitation.

[2]. Briefly stating, the land owned by the petitioners, situated within the revenue estate of village Malakpur, Sub Tehsil Ahmedgarh, Tehsil Malerkotla, District Sangrur came to be acquired vide notifications dated 29.03.2011 and 27.09.2011 issued under Sections 4 and 6 of the Land Acquisition Act respectively. The acquisition proceedings were carried out for the purpose of new grain market, Ahmedgarh. The award under Section 11 of the Land Acquisition Act was passed on 05.03.2013. Aggrieved of the determination by the collector, the petitioners-landowners filed reference petition under Section 18 of the Act on 18.03.2015, which came to be dismissed by the Reference Court vide award dated 11.03.2019 being barred by limitation having been filed after two years of passing of the award by the Collector.

[3]. Impugning the aforementioned award passed by the Reference Court, learned counsel for the petitioners submits that the findings recorded against the petitioners on the issue of limitation were wholly perverse as the Reference Court failed to appreciate the pleadings of the parties. Pointing out to para No.3 of the reference petition, learned counsel for the petitioners submits that sufficient reasons were mentioned for the purposes of filing reference petition within six weeks from the date of receipt of cheques dated 12.02.2015 against the compensation awarded by the Collector with further averment that neither any notice of award was ever served upon the

petitioners, nor were they present at the time of passing of the award.

He further points out that the aforesaid pleadings as set up in para No.3 of the reference petition were never denied in detail by the respondents qua the receipt of compensation awarded by the petitioners through cheques dated 12.02.2015 and thus, the reference petition filed at the instance of the petitioners-landowners was required to be treated within limitation.

[4]. On the other hand, learned State counsel submits that the petitioners-landowners failed to prove the factum of receipt of compensation vide cheques dated 12.02.2015 and in the absence thereof, the impugned award passed by the Reference Court warrants no interference as the reference petition being barred by limitation.

[5]. I have heard learned counsel for the parties and gone through the paper book as well as records which have been provided to this Court by the respective counsel and I find substance in the arguments made on behalf of the learned counsel for the petitioners.

[6]. A perusal of reference petition shows that specific averment has been made in para No.3 that no notice under Section 12(2) of the Act was ever served upon to the petitioners-landowners by the respondents in response to the award dated 05.03.2013, besides that it has also been averred that the reference petition was filed within six weeks on receipt of compensation by the petitioners-landowners through cheques dated 12.02.2015. To the contrary, in the written

statement, no specific denial was made by the respondents regarding the receipt of compensation by the petitioners-landowners through cheques dated 12.02.2015 and rather a plea was raised that some of the petitioners were present at the time of passing of the award, though without mentioning details of names.

[7]. In the absence of there being any specific denial about the factum of receipt of compensation by the petitioners-landowners vide cheques dated 12.02.2015, the Reference Court went wrong while non-suiting the petitioners-landowners by holding that the reference petition was barred by limitation, solely for the reason that the cheques dated 12.02.2015 were not proved on record. In the absence of there being any documentary evidence produced on record from the side of respondents as regards service of notice of award upon the petitioners-landowners as contemplated under Section 12(2) of the Act and they having received the amount of compensation through cheques dated 12.02.2015, reference petition filed at their instance on 18.03.2015 i.e. within a period of six weeks thereafter, could not have been rejected being barred by limitation.

[8]. In view of the discussions made hereinabove, the impugned award dated 11.03.2019 passed by the Reference Court is hereby set aside. Resultantly, this revision petition is allowed and the reference petition filed at the instance of the petitioners-landowners is held to be within limitation. Accordingly, the matter is ordered to be sent

back to the reference Court for its fresh adjudication on merits.

[9]. Pending application(s), if any, shall also stand(s) disposed of.

08.11.2023
Prince

(HARKESH MANUJA)
JUDGE

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