

...Appellant

**THE LAND ACQUISITION COLLECTOR GREATER LUDHIANA
AND OTHERS**

qua the contents of the award. Learned counsel thus submits that the reference was filed within a period of 6 months of the knowledge of the contents of the award and the same was required to be treated within limitation.

4. On the other hand, learned counsel for the respondent vehemently opposes the prayer made in the present appeal while submitting that the award in the present case was announced on 07.08.2010 and appellant was having complete knowledge about the same but however, the reference was filed beyond the period of limitation and thus, it was rightly declined.

5. I have heard learned counsel for the parties and gone through the paper-book as well as the Reference Court records. In the present case, a specific averment has been made by the appellant in its reference under Section 18 that neither the appellant nor any of its representative was present at the time of announcement of the award and even no notice under Section 12(2) of the Act was ever served upon it by the respondents about information of the contents of the award.

In rebuttal, no evidence has been produced on record from the side of respondents showing that notice under Section 12(2) of the Act was ever served upon the appellant-land owner or landowner were present at the time of passing of the award.

6. Moreover, DW-1 Amit Kumar, Senior Assistant, Office of Land Acquisition Collector-cum-Regional Chief Administrator, GLADA, Ludhiana, in his cross-examination specifically admitted that the appellant was not present at the time of passing of the award besides, as per his knowledge, he is not sure as to whether any notice under Section 12(2) of

extract from his cross-examination is reproduced as under:

“.....I do not know whether any dasti summons for personal service was sent to the petitioners. The petitioners were not present at the time of passing of award. I do not know if any notice under Section 12(2) of LAC was issued to the petitioners or not. I cannot deny or admit whether notice under Section 12(2) was not issued after the award.....”

7. In view of the above, once a specific averment was made in the reference petition at the instance of the appellant/land owner to the effect that no notice under Section 12 (2) was ever served upon it and the respondents even failed to establish the service of any such notice in rebuttal, the reference could not have been declined being barred by limitation.

8. Thus, in view of the discussion made hereinabove, the impugned award dated 22.03.2018 passed by the Additional District Judge, Ludhiana, is hereby set aside on the point of declining the reference being barred by limitation, finding it to have been filed within the time prescribed under Section 18 of the Act.

9. Resultantly, the present appeal is allowed. The matter is remanded to the Reference Court to decide the reference on merits. Considering the fact that the execution pertains to the year 2009, the reference Court is requested to conclude the proceedings preferably within a period of one year from today.

Appeal stands disposed of, accordingly.

(HARKESH MANUJA)
JUDGE

20.07.2023
neelam