

2026:PHHC:058386



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

**RFA-1078-2011 (O&M)
Decided on:-17.04.2026**

Shamlat Patti Illahi Bux of Village Ajronda and ors. ...Appellants.

vs.
State of Haryana and anr. ...Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Kulbhushan Sharma, Advocate for the appellants.

Mr. Jagdish Manchanda, Addl. A.G., Haryana.

HARKESH MANUJA J. (Oral)

1. By way of present appeal, challenge has been laid to an award dated 04.12.2009 passed by the learned Additional District Judge, Faridabad (for short, "**Reference Court**"), whereby, the reference petition preferred at the instance of appellants-landowners, was dismissed being barred by limitation.

2. In the present case, some land owned by the appellants-landowners, situated in the revenue estate of Village Ajronda, Tehsil and District Faridabad was acquired vide notifications dated 03.07.1995 and 02.07.1996 issued under Sections 4 & 6 respectively of the Land Acquisition Act, 1894 Act (**for short, "1894 Act"**), followed by an award dated 29.06.1998 passed by the Land Acquisition Collector (for short, "LAC") in exercise of power under Section 11 of the 1894 Act and the market value was assessed at the rate of Rs.5,85,000/- per acre. The total land measuring 103.34 acres was acquired for the public purpose, namely, "**for development**"

and utilization of land as residential institutional and commercial Sector 20-A at Faridabad”.

3. Aggrieved of the same, the appellants-landowners filed petition under Section 18 of the 1894 Act, however, the same was dismissed by the learned Reference Court vide order dated 04.12.2009 on the ground that the award under Section 11 in the case in hand was passed on 29.06.1998, whereas the application for making reference was made by the appellants-landowners on 27.01.2003 i.e. after a period of more than 4 years. The relevant paragraph No.15 of the impugned award is extracted hereunder:-

“In the present case, LAC had announced its Award on 29.6.1998. Application for making reference was made by the petitioners before LAC on 27.1.2003 i.e. more than four years after the award. Though there is nothing to suggest that whether any of the petitioners was present at the time of announcement of the Award by the LAC or whether they were represented by anybody but there is no evidence worth name that when the petitioners acquired knowledge about the award of LAC, as it is not pleaded in the petition at all that when and how the petitioners came to know about the award of LAC. Though an application under section 5 of the Limitation Act is separately moved, wherein it is stated that petitioners have recently came to know of the acquisition, but again it is a very vague submission, as it is not at all pleaded that how the petitioners came to know of the award and when. Even PW1 Ranjeet, one of the petitioners simply stated that they came to know about the acquisition in 2003. PW2 Nand Singh has been examined to say that no munadi was affected in the village and that they came to know about the acquisition in 2003, These submissions are quite vague without specifying about the source of knowledge and exact date, when petitioners came to know about the award of the LAC. As such, it is held that petition having been filed much beyond the time, therefore, the same is barred by limitation. Consequently issue no.2 is decided against the petitioners.”

4. I have heard learned counsel for the parties and gone through the paper book.

5. A perusal of record shows that there was no evidence available on record to the effect that either the appellants or any of their representatives were present at the time of passing of the award by the LAC. Further, it was not even proved by the respondents that either any notice under Section 12(2) of the 1894 Act or a copy of the award dated 29.06.1998

was ever served upon the appellants or as to when the amount payable under the award, was released in favour of the appellants. In such circumstances, in the absence of there being any proof on record that either the appellants or their representatives were present at the time of passing of the award or that the copy of the award was ever served upon them, the reference petition preferred at the instance of appellants could not have been dismissed on the ground of limitation as it was nowhere established on record that the appellants were ever made aware of the factum of passing of the award or even the contents thereof. As such, findings recorded by the learned Reference Court are upheld to the effect that the reference is within limitation.

6. In view the above, the impugned award dated 04.12.2009, is set aside and the matter is remanded to the learned Reference Court for fresh adjudication. The parties are directed to appear before the Reference Court on 15.05.2026.

7. Considering the fact that the acquisition in the case in hand commenced way-back in the year 1995, the Reference Court is requested to expedite the proceedings and conclude the same within one year from the date of receipt of copy of this order.

8. Pending application(s), if any shall also stand disposed of.

17.04.2026
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(HARKESH MANUJA)
JUDGE

(i) Whether speaking/reasoned: Yes/No (ii) Whether reportable: Yes/ No