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Hari Singh Vs State of Punjab and Another

Civil Revision No. 4309 of 1998

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: July 18, 2002

Acts Referred:
Land Acquisition Act, 1894 â€" Section 18

Citation: (2002) 4 RCR(Civil) 764

Hon'ble Judges: Jasbir Singh, J

Bench: Single Bench

Advocate: Naresh Kaushal and Ramanjit Singh, for the Appellant; A.S. Ladhar, A.A.G., for the Respondent

Final Decision: Allowed

Judgement

Jasbir Singh, J.
This revision petition has been filed by petitioner against order dated May 13, 1998, vide which Land Acquisition

Collector, S.Y.L.Canal Project, Patiala, had filed his application u/s 18 of the Land Acquisition Act, 1894, on the ground that the application was

not complete.

2. Facts in this case are not in dispute. Petitioner has 1/8th share out of land measuring 16 Bighas, which was subject matter of acquisition by

respondents. As per version of petitioner, since compensation awarded to him was not sufficient, he moved an application to the Collector,

respondent No.2, for enhancement of compensation for the land acquired with a prayer that application be referred to the competent Court for

determination.

3. It is apparent from reading of paper book that application of the petitioner was received by the Collector. It was not complete. Collector even

issued a notice to him to complete the same. When he failed to respond, application was filed. Counsel appearing for petitioner has stated that

petitioner never received notice, otherwise, he would have appeared before the Collector and completed his application. Be that as it may, counsel

for the petitioner now undertakes to appear before the Collector on any given date to complete deficiency in his application. As per law laid down

by this Court in Chander Datt Sharma and Ors. v. The State of Haryana and Anr.," (1991) 100 P.L.R. 5 it has been held by this Court that once

an application has been filed by a iand owner u/s 18 of Land Acquisition Act, 1894, before the Collector, then it is the duty of the Collector to

refer it to the competent court for its adjudication. To the same effect is the ratio of judgment in Jagdish Chander v. The District Revenue Officer-

cum Land Acquisition Collector, Public Works (Irrigation) Fetehabad (2001)129 P.L.R. 805.

4. Counsel for the respondents contends that application moved by petitioner was hopelessly time-barred. No opinion has been given by the

Collector in that regard. Furthermore, in view of ratio of judgments mentioned above, Collector is not competent to give any such opinion.

5. In view of the facts mentioned above, this revision petition is allowed. Petitioner is directed to appear before Land Acquisition Collector, S.Y.L.

Canal Project, Patiala, within three weeks from today to complete his application. The Collector would then refer his application to the competent

Court. Parties are left to bear their own costs.