

(2001) 09 P&H CK 0115

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Revision No. 1693 of 2001

Jagdish Chander

APPELLANT

Vs

The District Revenue
Office-Cum-Land Acquisition
Collector

RESPONDENT

Date of Decision: Sept. 10, 2001

Acts Referred:

- Land Acquisition Act, 1894 - Section 18

Citation: (2002) 1 RCR(Civil) 454

Hon'ble Judges: Bakhshish Kaur, J

Bench: Single Bench

Advocate: Shailendra Jain, for the Appellant; Sultan Singh, for the Respondent

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

Bakhshish Kaur, J.

This revision petition has been directed against the order dated February 27, 2001, passed by the Land Acquisition Collector, vide which reference petition u/s 18 of the Land Acquisition Act, 1894 (hereinafter referred to as the Act) has been rejected. This revision petition has been preferred by invoking the provisions of Section 18(3) of the Act, as amended vide Punjab Act No. 2 of 1954 and Act No. 31 of 1961.

2. I have heard Shri Shailendra Jain, Learned Counsel for the Petitioner and Shri Sultan Singh, learned Assistant Advocate General, Haryana, for the State.

3. For facility of reference, it would be appropriate if the impugned order is reproduced, it reads as under:

Your application referred to above, has been received after expiry of limitation period u/s 18(2)(b). Therefore, it is rejected.

Sd/- Distt. Revenue Officer-Cum-
Land Acquisition Collector, Fatehbad.

4. The short question which needs consideration in this revision petition is whether the Land Acquisition Collector can refuse to make a reference to the Court u/s 18 of the Act on the ground that the application has been made after expiry of limitation period u/s 18(2)(b) of the Act? The answer to this query is in negative. It is for the Court to whom the reference is made to decide the point of limitation. In case the claim is found to be barred by time, only the Court will pass an appropriate order but the Collector cannot refuse to make a reference to the Court. The point in controversy was set at rest by this Court in C.R. No. 2909 of 1990 (Jit Singh v. Land Acquisition Collector, PWD B&R Branch), decided on 17.2.1991, [Jit Singh Vs. Land Acquisition, Collector, PWD B and R Branch](#), In this judgment, reference was also made to Dharam Pal v. The Collector, Land Acquisition Urban Development 1987 LACC 217.

5. In view of the case law laid down in Jit Singh's case (supra), in the given case in hand the Collector could not refuse to make a reference to the Court on the ground that reference was not within time. Thus, the impugned order cannot be sustained.

6. For the aforesaid reasons, this revision petition succeeds. The impugned order is set aside and the Collector is directed to make reference u/s 18 of the Act to the District Judge concerned within a period of one month from the date of receipt of a copy of this order.

7. It is made clear that it will be open for the Respondent to take all the pleas available to him with respect to the limitation, maintainability etc. before the Reference Court.