

(2014) 04 P&H CK 0084

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Writ Petition No. 3936 of 2008

Buta Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: April 2, 2014

Acts Referred:

- Land Acquisition Act, 1894 - Section 18, 28A

Hon'ble Judges: Surya Kant, J; Lisa Gill, J

Bench: Division Bench

Advocate: Vivek Salathia, Advocate for the Appellant; Animesh Sharma, Advocate for Respondent No. 3, Advocate for the Respondent

Final Decision: Dismissed

Judgement

Surya Kant, J.

The petitioners impugn the orders dated 23.11.2007 (Annexures P-3 & P-4), passed by the Land Acquisition Collector, Tarn-Taran, whereby their application u/s 28A of the Land Acquisition Act, 1894 (hereinafter referred to as "the Act") has been dismissed primarily on the ground of being barred by limitation.

2. The petitioners sought compensation through the said application at par with their co-owner-cum-brother to whom the enhanced compensation was awarded by the Additional District Judge, Amritsar, vide award dated 10.04.1995.

3. The petitioners admittedly moved the application u/s 28A of the Act on 07.05.2007. It was in this backdrop that the Land Acquisition Collector held as follows:-

... I have heard the learned counsel for both the parties and gone through the file carefully and minutely. I find also perused Section 28A of the Land Acquisition Act. u/s 28A of the Land Acquisition Act, there is three months limitation for date of "Award" but the present application has been made after 12 years. Thus, the

application is badly time barred and as such the same is not covered under the provisions of the Act. The application is, therefore, dismissed being devoid of any merit.....

4. In view of the recent decision of the Hon"ble Supreme Court dated 24.03.2014 in SLP (Civil) Nos. 6609-6613 of 2014 (Brijesh Kumar and others versus State of Haryana and others), there can be no other view but to hold that the application moved by the petitioners u/s 28A of the Act was hopelessly time barred and has been rightly rejected by the Land Acquisition Collector.

5. The application seeking reference u/s 18 of the Act would also be obviously merit rejection on consequential rejection of the application u/s 28A of the Act.

6. No interference thus, with the impugned order is called for by this Court.

7. Dismissed.

8. However, if the petitioners are entitled to any enhanced compensation being co-owners with their brother in whose favour the award has been passed, they may avail such remedy in accordance with law.