
(1980) 09 P&H CK 0010
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 1242 of 1975

Ajit Singh

APPELLANT

Vs

Secretary to The Punjab Government and Others

RESPONDENT

Date of Decision : 10-09-1980

Acts Referred:

Land Acquisition Act, 1894 — Section 18

Citation : (1980) 09 P&H CK 0010

Hon'ble Judges : Gokal Chand Mital, J

Bench : Single Bench

Advocate : B.S. Sodhi, for the Appellant; S.L. Ahluwalia, for the Respondent

Final Decision : Allowed

Judgement

Gokal Chand Mital, J.—This order will dispose of C.R. Nos. 1242 to 1253, 1317 and 1318 of 1975, as they arise out of similar orders passed by the Land Acquisition Collector and a common question arises therein.

2. The petitioners land was acquired by the State Government and the Land Acquisition Collector gave his award on 16th of March, 1973, in their absence. The petitioners filed applications u/s 18 of the Land Acquisition Act for reference on 28th April, 1973. The Land Acquisition Collector did not inform them about the date of hearing and while sitting in his office passed orders dated 28th May, 1975, rejecting all the reference applications by separate letters dated 17th June, 1975, to each of the petitioners. Thereafter, the petitioners applied for certified copies of the order dated 28th May, 1975, and since they were not being supplied the same in spite of their best efforts and the time for filing revisions in this Court u/s (sic) of the Land Acquisition Act was running out, they filed these revisions in this Court on 16th September, 1975, within the period of limitation.

3. I find merit in the first point made out by the counsel for the petitioners that the Land Acquisition Collector could not reject the reference applications without affording a hearing to them. Whatever defect was found by the Land Acquisition

Collector in the reference applications, he had to give an opportunity to the petitioners so that they could place their view-point about the same and show whether the objections raised by the Land Acquisition Collector were correct or not. Therefore, the order of the Land Acquisition Collector rejecting their applications at their back cannot be sustained.

4. It is then urged that if from the date of announcement of the award the period of six weeks" limitation is counted, then on 28th April, 1973, when the reference applications were filed, they were barred by one day and may be that the Land Acquisition Collector rejected the reference applications on this ground. In this respect, it is urged on behalf of the petitioners that since the award was given in their absence the limitation would be six months, which too would start from the date of knowledge of the award and not from the date of announcement of the award and for this matter, reliance is placed on a decision of the Supreme Court in Raja Harish Chandra Raj Singh Vs. The Deputy Land Acquisition Officer and Another, which was later on followed in State of Punjab Vs. Mst. Qaisar Jehan Begum and Another, I find merit in this contention also.

5. For the reasons recorded above, these revisions are allowed and the orders of the Land Acquisition Collector dated 28th May 1975, rejecting the reference applications are set aside and a direction is issued to him to consider the reference applications, keeping in view the aforesaid decisions of the Supreme Court on the point of limitation. If he finds that the applications are within limitation and there is no other defect in the same, he would refer the applications to the district Court for decision forthwith. In case he finds that some other objection worth the consideration arises, then he would inform the petitioners of the date of hearing so that they may place their view-point before him and after considering the same, decide the matter afresh. However, there is no order as to costs.