

(1991) 12 P&H CK 0012
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 2206 of 1991

Balbir and Others

APPELLANT

Vs

The State of Haryana and Another

RESPONDENT

Date of Decision : 05-12-1991

Acts Referred:

Land Acquisition Act, 1894 — Section 18

Citation : (1992) 101 PLR 477

Hon'ble Judges : N.C. Jain, J

Bench : Single Bench

Advocate : C.B Goel, for the Appellant; R.C. Setia, for the Respondent

Final Decision : Allowed

Judgement

N.C. Jain, J.—This revision petition is directed against the order of the Collector declining to refer the compensation matter u/s 18 of the Land Acquisition Act (for short the "the Act") on the ground that the same is barred by time.

2. The counsel for the petitioner has argued that the Land Acquisition Collector has acted without jurisdiction in dismissing the application u/s 18 of the Act on the ground of limitation. He had argued that the Land Acquisition Collector was bound in law to refer the application u/s 18 of the Act to the Land Acquisition Court to find whether the application was barred by time or not. He has cited Jit Singh Vs. Land Acquisition, Collector, PWD B and R Branch, , in support of his argument.

3. After hearing the learned counsel for the parties, this Court is of the view that the argument of the learned counsel for the petitioner has got force. It has been held in Jit Singh's case (supra) that the Land Acquisition Collector is not competent to decide whether the application is within time or not and that it is only the District Judge who is competent to decide the period of limitation. Following the law laid down in Jit Singh's case (supra) this revision petition is allowed, the order of the Land Acquisition Collector is hereby set aside and he is

directed to refer the application u/s ,18 of the Act to the District Judge within a period of six weeks from today. No costs.