
(1987) 04 P&H CK 0031
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 1956 of 1979

Dharam Pal

APPELLANT

Vs

Collector Land Acquisition Urban Development, Punjab,
S.A.S.Nagar and ors.

RESPONDENT

Date of Decision : 16-04-1987

Acts Referred:

Citation : (1987) PLJ 263 : (1987) RRR 356

Hon'ble Judges : J.V.Gupta, J

Advocate : V.P. Sarda, Advocate., Advocates for appearing Parties

Judgement

J.V. Gupta, J.

1. This order will also dispose of Civil Revision No. 1957 of 1979, Gian Kaur v. Land Acquisition Collector, as the question involved is common in both the cases.
2. In both the cases, an award was given by the Collector on 31.3.1976. The claimantpetitioner made an application for reference under Section 18 of Land Acquisition Act, on 12.9.1978. On both the applications, reference has been declined by the Land Acquisition Collector on the ground that the same were barred by time as the same were filed after the expiry of six months period. Dissatisfied with the same, the claimants have filed these revisions in this Court.
3. An affidavit by way of written statement was filed in this Court on behalf of the Land Acquisition Collector wherein it was stated that the petitioners having failed to participate or associate themselves with the proceedings of the award, they were not entitled to any notice under Section 12 (2) of the Act, and the knowledge of the award shall be presumed from the date the award announced on 31.3.1976. Since the application under Section 18 of the Act was made on 12.9.1978, the same was barred by time.
4. It could no more be disputed that it was not the Collector to decide, whether the application for reference was within time, or not. He should have referred the matter to the District Judge, leaving the question open so that the parties could

lead evidence on this point, before the question could be decided. In this view of the matter, the revision succeeds and the impugned orders are set aside. The Collector is directed to make the reference to the District Judge concerned in accordance with law within two months from today. It will be open to the State of Punjab to raise objection of limitation, if any, before District Judge. The parties have been directed to appear before the Collector on the 15th May, 1987.