
(1987) 03 P&H CK 0009
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 1295 of 1979

Gopal Singh

APPELLANT

Vs

State of Punjab and anr.

RESPONDENT

Date of Decision : 24-03-1987

Acts Referred:

Citation : (1987) PLJ 352 : (1987) RRR 416

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

Advocate : N.L. Dhingra, Advocate., Advocates for appearing Parties

Judgement

J.V. Gupta, J.

1. This revision petition is directed against the order of the Land Acquisition Collector, Chandigarh, dated March 30, 1979, whereby he declined to make the reference under Section 18 of the Land Acquisition Act (hereinafter called 'the Act'). The petitioner claiming himself to be the tenant on the acquired land got certain compensation vide awards dated December 17, 1976 and January 11, 1977. Later on, he claimed a reference under Section 18 of the Act for enhancement of compensation, which was declined by the Collector vide impugned order.

2. The learned counsel for the petitioner cited Baldev Singh v. State of Haryana, 1984 R.R.R. 289 : 1984 Punjab Law Journal 84, to contend that the Collector could not decide the merits of the reference and that it was for the District Judge to go into the same. The only option with the Collector was to refer the matter under Section 18 of the Act. This proposition is not being disputed on behalf of the respondent State.

3. Under the circumstances, this revision petition succeeds and is allowed. The impugned order is set aside. The Collector is directed to make reference under Section 18 of the Act to the District Judge concerned within two months from today. It will be for the District Judge to decide all the objections, including the competency of the reference, if any.