
(1969) 07 RAJ CK 0023
In the Rajasthan High Court
Case No : Civil Revision No. 495 of 1968

Padam Singh and Another	Vs	APPELLANT
The State of Rajasthan and Another		RESPONDENT

Date of Decision : 25-07-1969

Acts Referred:

Rajasthan Land Acquisition Act, 1953 — Section 18(3), 3(c)

Citation : (1969) WLN 374

Hon'ble Judges : Jagat Narayan, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Jagat Narayan, J.—This is revision application u/s 18(3) of the Rajasthan Land Acquisition Act against a reference made by the Collector S of the District.

2. The sole ground on which the reference has been challenged is that the Collector of the district did not make the award in this case and therefore he had no jurisdiction to make the reference.

3. The land has been acquired for the District Police & the Superintendent of the Police of the district on behalf of the Police Department made a written application to the Collector of the district asking him to make a reference to the District Court to the determination of the amount of compensation.

4. The award in this case was not made by the Collector of the district, but it was made by one Shri M.R. Dhariwal, an officer specially appointed by the Government to perform the functions of a Collector under the Rajasthan Land Acquisition Act. Section 18(1) runs as follows:

18. Reference to Court. - (1) The Government department on whose behalf acquisition is being made or any person interested who has not accepted the award or the amendment thereof may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the

Court whether his objection be to the measurement of the land, the amount of the compensation, the amount of costs allowed, the persons to whom it is payable, or the apportionment of the compensation among the persons interested.

5. u/s 3(c) the expression "Collector" means the Collector of a district and includes an Additional Collector appointed to a district as well as any officer specially appointed by the Government to perform the functions of a Collector under this Act.

6. Section 18(1) does not lay down that the application for reference should be made to the Collector who made the award. It can therefore be made to any one who is a Collector within the meaning of Section 3(c). The Collector of the district who is included in this definition was competent to make the present reference.

7. The revision application is accordingly dismissed. In the circumstances of the case, I leave the parties to bear their own costs.