

(2021) 04 SHI CK 0151

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 8079 Of 2012

Tara Devi And Another

APPELLANT

Vs

Land Acquisition Collector

RESPONDENT

Date of Decision : 01-04-2021

Acts Referred:

Land Acquisition Act, 1894 — Section 12(2), 18

Citation : (2021) 04 SHI CK 0151

Hon'ble Judges : Ravi Malimath, J

Bench : Single Bench

Advocate : Virender Thakur, Narender Thakur

Final Decision : Dismissed

Judgement

Ravi Malimath, J

1. Aggrieved by the order dated 2.5.2012 passed by the Land Acquisition Collector (Kol Dam) Bilaspur, District Bilaspur, H.P., the claimants have filed this petition. The land of the claimants was acquired for the purpose of construction of Kol Dam Power Project to be executed by the National Thermal Power Corporation in Village Sui Nichli and Sui Uparli, Tehsil Arki, District Solan, Himachal Pradesh. The award was passed in two phases. The compensation liable to be paid to the petitioners was determined. The award was passed on 12.7.2006. Being dis-satisfied with the same and seeking reference of the Civil Court, the petitioners filed an application under Section 18 of the Land Acquisition Act, seeking to make a reference to the Court for enhancement of the award. By the impugned order, the same was dismissed on the ground of delay. Hence this petition.

2. Learned counsel for the petitioners contends that the provisions of Section 12(2) of the Land Acquisition Act have not been complied with inasmuch as notice has not been issued to the petitioners and that the petitioners came to know of the same on a much later date and immediately thereafter an

application was filed. Therefore, there is no delay. The same is countered by the learned counsel for the respondent, who submits that subsequent to the award dated 12.7.2006, a cheque for the requisite amount was handed over to the petitioners on 14.07.2006, namely, within a period of one month. Learned counsel for the petitioners does not dispute such a statement of fact.

3. In view of the submissions made, it is quite evident that the contention for the petitioners that they were not in knowledge of the award being passed, stands negated by having received a cheque for the said amount. Therefore, the contention of a lack of notice does not stand to any reason, in view of the fact that the amounts have already been received by the petitioners. The petitioners were very well aware of the passing of the award. Furthermore, the amendment brought about by the Himachal Pradesh Act, 1979, to Section 18 of the Land Acquisition Act, w.e.f. 29.04.1980, would read that the Collector may entertain an application under Section 18 after the expiry of the period of six weeks but within a period of six months, if he is satisfied that the applicant was prevented by sufficient cause from making an application in time.

4. Since the application has been filed beyond the period of six months, this Court finds no reason to interfere with the impugned award passed by the learned Court below. Consequently, the petition being devoid of merit is dismissed.