
(1991) 11 P&H CK 0029
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 3308 of 1990

Tulsi and Others

APPELLANT

Vs

The State of Haryana and Another

RESPONDENT

Date of Decision : 01-11-1991

Acts Referred:

Constitution of India, 1950 — Article 227
Land Acquisition Act, 1894 — Section 28A

Citation : (1992) 101 PLR 235

Hon'ble Judges : S.S. Sodhi, J

Bench : Single Bench

Advocate : P.S. Saini, for the Appellant; Jitender Sharma, for A.G., for the Respondent

Final Decision : Allowed

Judgement

S.S. Sodhi, J.—The matter here concerns the starting point of limitation for an application u/s 28A of the Land Acquisition Act, where several awards for compensation are made regarding land covered by the same notification.

2. In the present case, there was, in the first instance, an award by the District Judge in a reference u/s 18 of the Land Acquisition Act (hereinafter referred to as "the Act") on April 4, 1989, while the subsequent award for some other land covered by the same notification was made on August 10, 1989. The petitioner applied for a copy of this Award on August 18, 1989, which was delivered to him on September 12, 1989. He, thereafter, filed an application u/s 28A of the Act on December 2, 1989. The Land Acquisition Collector took the starting point of limitation for this application to be the date of the first award, that is of April 4, 1989. This period being more than 90 days, the application was dismissed as having been filed beyond the period of limitation. This is where the learned Collector clearly fell in error, as according to the judgment of this Court in *Lila Krishan and Ors. v. The Land Acquisition Collector, Urban Estate, Panchkala, Haryana* (1991) 100 P. L. R. 65 "If compensation has been determined by several

awards passed by the Reference Court on the application of different land-owners, it is open to the land-owner to base his claim u/s 28A of the Act on an award which is most beneficial to him. Naturally, the limitation will count from the date of the award on the basis of which compensation is claimed by the landowner whose land has been acquired under the same notification, but has not gone on reference u/s 18 of the Act."

3. It follows, therefore, that if the starting point of limitation is taken to be the date of the subsequent award, that is, August 10, 1989 the application filed by the petitioner u/s 28A of the Act has clearly to be treated as being within time. In this view of the matter, the impugned order of the Land Acquisition Collector Urban Estate, Panchkula of November 6, 1990, Annexure P/2 is accordingly hereby quashed and the matter is remitted to the Collector for fresh decision on merits, in accordance with law. This revision petition is consequently hereby accepted with costs. Counsel fee Rs. 500/-.