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**(1988) 08 P&H CK 0008**  
**In the Punjab And Haryana At Chandigarh**  
**Case No : C.R. No. 783 of 1980**

Usaf and another

APPELLANT

Vs

The Collector Urban Estate Land Acquisition, Urban  
Development Punjab

RESPONDENT

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**Date of Decision :** 10-08-1988

**Acts Referred:**

Land Acquisition Act, 1894 — Section 18

**Citation :** (1988) 08 P&H CK 0008

**Hon'ble Judges :** J.S. Sekhon, J

**Bench :** Single Bench

**Advocate :** L.S. Wasu, for the Appellant; Nipun Mittal, for A.G. Punjab, for the Respondent

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## Judgement

Jai Singh Sekhon, J.—This civil revision is directed by the landowner whose application for referring the matter to the Court of the District Judge u/s 18 of the Land Acquisition Act, 1894 (hereinafter called the Act), was dismissed by the Land Acquisition Collector on the ground of being barred by time.

2. In brief, the facts are that the land belonging to the Petitioners was acquired for setting up an Urban Estate at Ludhiana The Land Acquisition Collector vide his award dated 31st March, 1976, pronounced in the absence of the Petitioners, awarded some compensation. Being aggrieved against the adequacy of the compensation, the Petitioners filed an application before the Collector on 4th November, 1976, contending that they were not served with any notice u/s 12(2) of the Act and that they came to know about the award for the first time on 14th September 1977. The Land Acquisition Collector vide his impugned order rejected their application for forwarding the reference to the Court of the District Judge by holding that it was filed beyond a period of six months from the date of the announcement of the award

3. I have heard Mr. L.S. Wssu, learned Counsel for the Petitioner and Mr. P. Nipun Mittal, learned Counsel appearing on behalf of the State of Punjab.

4. The only controversy in this case as to whether the period of limitation of six months would start running from the date of knowledge or the date of the award in those cases where the award was not announced in presence of the Petitioner was set at rest by the Supreme Court in Raja Harish Chandra Raj Singh Vs. The Deputy Land Acquisition Officer and Another, , by holding that the period of Limitation will start running from the date of knowledge in those cases where the Land Acquisition Collector had not given the award in the presence of the parties and no notice u/s 12(2) of the Act was served upon the concerned party. Thus, the findings of the Land Acquisition collector that the application is barred by time, having been filed after the expiry of six months of the date of announcement of the award being erroneous, are hereby set aside by accepting this revision petition and the Land Acquisition Collector is directed to forward the reference u/s 18 of the Act to the Court of the District Judge in accordance with law There is, however, no order as to costs in view of the peculiar circumstances of the case.