



CWP No. 4566 of 2023 (O&M) 1

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

175

CWP No. 4566 of 2023 (O&M)
DATE OF DECISION :- 08.07.2025

Ajmer Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present:- Mr. Nitish Kaushal, Advocate
with Mr. Naresh Kaushal, Advocate for the petitioner.

Mr. Siddharth Sandhu, AAG, Punjab.

HARKESH MANUJA, J. (Oral)

C.M. No. 7296 of 2025

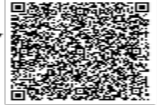
This is an application for preponement of the date of hearing of the main case fixed for 27.08.2025.

Heard.

The application is allowed. The main case is taken up on Board today itself.

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1. Prayer in this petition is for directing especially respondent No. 2-The Land Acquisition Collector, Urban Development Department Punjab, S.A.S. Nagar, (Mohali) to refer and forward the reference dated 23.09.2013 filed by the petitioner to the learned Reference Court at Mohali.
2. In the present case, certain land owned by the petitioner, situated in Manauli, Hadbast No. 270, Tehsil and District Mohali came to be acquired vide notifications dated 22.12.2010 and 25.08.2011 issued under



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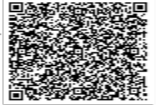
Sections 4 and 6 of the Land Acquisition Act, 1894. The Award was passed by the Land Acquisition Collector on 13.12.2011. Aggrieved thereof, the petitioner preferred reference petition dated 23.09.2013 before the Land Acquisition Collector, however, the same was never forwarded to the Court concerned and accordingly the present writ has been filed.

3. In response, reply has been filed on behalf of the respondents while referring to an order dated 11.04.2023 passed by the Land Acquisition Collector, Urban Development Punjab, whereby the reference petition filed at the instance of petitioner stands rejected being barred by limitation.

4. Learned counsel for the petitioner submits that the reference petition filed under Section 18 of the Land Acquisition Act, 1894 at the instance of land owners seeking enhancement of compensation cannot be rejected by the Land Acquisition Collector being barred by limitation as the same needs to be forwarded to the Reference Court which only can decide the issue of limitation after affording an opportunity to the parties concerned and, therefore the order dated 11.04.2023 needs to be set aside and the reference filed at the instance of the petitioner is required to be forwarded to the concerned Reference Court.

5. On the other hand, learned State counsel while relying upon the reply as well as the order dated 11.04.2023 submits that once the reference petition preferred by the petitioner was apparently barred by limitation having been filed after a lapse of 01 year 07 months and 12 days from the date of receipt of compensation, no interference was called for at this stage and thus the writ petition deserved to be dismissed.

6. I have heard learned counsel for the parties and gone through the paper book.



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7. In view of the law laid down by the Hon'ble Supreme Court in the case titled '*Arulmighu Lakshminarasimhaswamy Temple Singirigudi versus Union of India*' 1997(1) R.C.R. (Civil) and the judgment passed by this Court in CWP No. 19323 of 2012 (O&M) titled '*Kuldip Singh and others versus State of Punjab and others*' decided on 11.03.2013, the reference petition preferred at the instance of land owners while invoking Section 18 of the Land Acquisition Act, 1894, cannot be rejected by the Land Acquisition Collector being barred by limitation but is required to be forwarded to the Reference Court and thereafter the Reference Court needs to decide the issue of limitation after granting an opportunity to both the parties to lead their respective evidence on the said issue.

8. In view thereof, the order dated 11.04.2023 passed by the Land Acquisition Collector dismissing the reference petition filed at the instance of petitioner being bared by limitation is set aside and respondent No. 2 is directed to forward the reference application dated 23.09.2013 (Annexure P-2) while invoking Section 18 of the Land Acquisition Act, 1894 to the concerned Reference Court within a period of 04 weeks from today.

9 In view of the above, the present writ petition is disposed of.

10. All pending application(s), if any, shall also stand disposed of.

**(HARKESH MANUJA)
JUDGE**

08.07.2025

P.Singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No