

THE STATE OF PUNJAB  
v.  
RAGHBIR SINGH AND ORS.

A

FEBRUARY 28, 1995

[K. RAMASWAMY AND B.L. HANSARIA, JJ.]

B

*Land Acquisition Act—Amendment Act 68 of 1984—Not applicable—Application for reference does not lie.*

After notification under s.4(1) of the Land Acquisition Act, the Collector made his award. The respondents did not seek any reference for the same as provided in S.18 of the Act.

C

One of the claimants in the same notification appealed the High Court which enhanced his compensation. On the basis of that High Court judgment the respondents sought reference of the civil court. The Collector dismissed the reference but the High Court in revision directed re-determination of the compensation.

D

Allowing the appeal, this Court

**HELD :** The application for reference does not lie. The reference could be made only on the basis of the judgment of the Reference Court but within the limitation prescribed under the proviso of S.28A(1). In this case neither the application was filed within limitation nor immediately after the award of the District Court. Under these circumstances the Amendment Act 68 of 1984 cannot be applied and the High Court clearly committed error of law in allowing the revision. [378-E]

E

F

*Babua Ram and Others v. State of U.P. and Anr., JT (1994) 7 SC 377, applied.*

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 3521 of 1995.

G

From the Judgment and Order dated 14.8.92 of the Punjab and Haryana High Court in C.R. No. 885 of 1992.

- G.K. Bansal for the Appellant.

H

A R.K. Talwar, Goodwill Indeevar for the Respondents.

The following Order of the Court was delivered :

B The Notification under Section 4(1) was published on February 4, 1981 for public purpose. The Collector made an award under Section 11 on December 22, 1983. The respondents did not seek for any reference under Section 18. The High Court in the appeal filed by one of the claimants in the same notification by the judgment and decree dated September 10, 1990 enhanced the compensation at Rs. 1,75,000 per acre. Thereon the respondents filed the application on January 2, 1991 under Section 28A seeking reference to the Civil Court on the basis of the judgment of the High Court. The Collector dismissed the application on January 22, 1992. Thereon the respondents filed revision in the High Court. The High Court in the impugned order dated August 14, 1992 allowed and directed re-determination of the compensation, on the basis of the judgment of th. High Court dated Sept. 12, 1990.

D The entire controversy is now covered by judgment of this Court in *Babua Ram & Others v. State of U.P. & Anr.*, J.T. (1994) 7 SC 377. In view of the above judgment the necessary conclusion is that the application for reference does not lie. The reference could be made only on the basis of the Judgment of the Reference Court but within the limitation prescribed under the proviso of Sec. 28A(1). In this case neither the application was filed within limitation nor immediately after the award of the District Court. Under these circumstances the Amendment Act 68 of 1984 cannot be applied and the High Court clearly committed error of law in allowing the revision. The appeal is allowed. The order of the High Court in C.R. No. 88/1992 dated August 14, 1992 is set aside but in the circumstances without costs.

F A.G.

Appeal allowed.