Shanti Devi v. Union of India, 2017 PLRonline 0300

DELHI HIGH COURT

(DB)

Before:-Mr. G.S. Sistani and V. Kameswar Rao, JJ.

Shanti Devi & ors. – Petitioners

Versus

Union of India – Respondent

W.P.(C) 10039 of 2016.

30.11.2017.

Land Acquisition Act, 1894 Section 18 – Quashed the order passed by the Land Acquisition Collector rejecting the application under Section 18 of the Act on the ground that once petitioner raise a prima facie ground to show that the application under Section 18 of the Act is within the limitation, prior to rejecting the application, it is mandatory for the Land Acquisition Collector to follow the principles of natural justice and thereafter, give a personal hearing to the applicant

> "11. The objective of noting the submissions made by both the counsel for the parties is only to highlight that the petitioners have been able to raise a prima facie ground to show that the application under Section 18 of the Act is within the limitation. In our view, either the Collector did not apply his mind or in the absence of any hearing the grounds sought to be raised before this Court, could not be raised on account of lack of opportunity. While we are of the view that it is not necessary for this Court to give its opinion on the merits of the matter as this issue is to be first decided by the Land Acquisition Collector and then by the Court of the ADJ, we are of the view that in all cases whether pertaining to lack of limitation or otherwise prior to rejecting the application, it is mandatory for the Land Acquisition Collector to follow the principles of natural justice, to inform the applicant about the defects or deficiencies in the reference petition to enable the applicant to be aware of the same and thereafter give a personal hearing to the applicant or his duly authorized representative and thereafter pass a reasoned order to enable the applicant to assail the same in accordance with the law."

Cases Referred :-

1. Bharat Chand Dilwali v. UOI 1988, Rajdhani Law Reporter 224
2. Canara Bank v. V.K. Awasthi, (2005) 6 SCC 237
3. G.H. Grant v. State of Bihar AIR 1966 Supreme Court 237
4. Harish Chandra Raj Singh v. Land Acquisition Officer, AIR 1961 Supreme Court 1500
5. Land Acquisition Officer v. Shivabai JT 1997 (5) SC 123
6. Madan v. State of Maharashtra, (2014) 2 SCC 720
7. Officer on Special Duty (Land Acquisition) v. Shah Manilal Chandulal (1996) 9 SCC 414
8. Rsulkhanji Sardar Mahomad Khanji v. H.P. Rathod 3rd Spl Land Acquisition Officer, Ahmd 1975 (16) Gujrat Law Reporter 911
9. Sh. Bale Ram v. Land Acquisition Collector, 2005 (121) DLT 454

For the Petitioner :- Mr. L.B. Rai and Mr. Vijay Awana, Advocates. For the Respondent :- Mr. Sanjay Kumar Pathak, Mrs. K. Kaomudi Kiran Pathak, Mr. Sunil Kumar Jha and Mr. Kushal Raj Tater, Advocates.

JUDGMENT

G.S. Sistani, J. (Oral) – Challenge in this writ petition is to the order passed by the Land Acquisition Collector dated 12.09.2012 by which a reference made by the husband of the petitioner No. 1 under section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act'), has been rejected as being barred by time.

2. Learned counsel for the petitioners submits that the husband of the petitioner No. 1 was the Bhumidar of the land measuring 125 sq. mtrs out of 8 biswas i.e. 400 sq. mtrs comprised in Khasra No.452 of village Mundka, Delhi, which was notified under Section 4 of the Act on 31.01.2007. A declaration under Section 6 was issued on 24.05.2007 and thereafter an award was passed on 23.05.2009.

3. Learned counsel for the petitioners further submits that although the land of the petitioners was acquired yet they were not aware of the same as no notice under Section 12 (2) of the Act was received either by the petitioners or their father/husband. It is contended that the petitioners came to know about the passing of the award by the Land Acquisition Collector on 11.05.2012 after the compensation amount was released in favour of late Mr. Attar Singh(husband of the petitioner No. 1), after recording the statement of Mr. Karan Singh, who is the son of the recorded owner, Mr. Lal Singh. It is further contended that only when Mr. Attar Singh received compensation did he come to know about the

compensation amount assessed by the Land Acquisition Collector and immediately thereafter late Mr. Atar Singh filed his reference petition under Section 18 of the Act on 15.05.2012 for enhancing the amount of compensation paid to him. It is next contended that the Land Acquisition Collector did not refer the reference petition to the Additional District Judge (ADJ) for adjudication while the reference petitions of other persons of the village had been referred.

4. Counsel for the petitioners also contends that aggrieved by the rejection by the LAC, the husband of the petitioner filed a complaint on 06.08.2015 before the Chairman, Public Grievance Cell. The ADM/LAC (West) informed the Chairman, Public Grievance Cell that on account of a gap of more than three years the matter should be closed. Counsel further submits that the petitioner received a communication dated 16.09.2015 issued by Public Grievance Cell in terms of recommendations of ADJ. Aggrieved by this, the petitioners have filed the present petition seeking a direction to refer the reference petition to the Court of ADJ. Learned counsel for the petitioners submits that the petitioners are uneducated farmers and they had approached the Public Grievance Cell, upon advise which they believed to be correct. It is the submission of Mr. Rai, learned counsel for the petitioners, that the reference was filed within the period of limitation, as fixed under Section 18 (2) of the Act as no notice was received by the petitioners under Section 12 of the Act, and, thus, the period of limitation for filing a reference would be six months. Mr. Rai further contends that six months? period of limitation is to be calculated from the day the compensation was paid to the petitioners as it is on that day, the right of the petitioner No. 1's husband was crystallized and the cause of action arose. Counsel for the petitioners relies on a decision rendered by the Apex Court in the case of ***Madan and Another v. State of Maharashtra, reported at (2014) 2 SCC 720*** in support of this submission made by him. Counsel submits that till the dispute with regard to apportionment was laid to rest no reference under Section 18 of Act would lie. Counsel further submits that even otherwise the impugned order is liable to be set aside as the Land Acquisition Collector being a quasi judicial authority has not followed the principles of natural justice as neither any notice was issued to the petitioners nor any hearing opportunity was granted to the petitioners to explain their stand as per the settled law as laid down by the Apex Court. Counsel, thus, prays that the impugned order is liable to be set aside. Counsel also prays that the LAC may be directed to give a personal hearing to petitioners to enable them to canvass all their arguments that the reference was made within the period of limitation.

5. Mr. Pathak, learned counsel appearing for the LAC submits that there is no infirmity in the impugned order passed by the LAC dated 12.09.2012 as the reference filed by the husband of the petitioner No. 1 is patently beyond limitation. Mr. Pathak further submits that the husband of the petitioner No. 1 had participated during the award proceedings, which is evident upon reading of the award, copy of which has been placed on record, wherein the name of husband of the petitioner No. 1 finds mentioned at Sl. No. 28 of the list of persons who had filed their claim. The name of the husband of petitioner No. 1 is also available in column at Sl. No. 45 and thus, the judgment sought to be relied upon by Mr. Rai would not apply to the facts of the present case as in the case of Madan and another (supra) the Apex Court was persuaded primarily by the fact that the petitioner in the said matter had no knowledge about the pendency of the acquisition proceedings and the

award.

6. We have heard learned counsels for the parties and considered their rival submissions.

7. The basic facts of the case are not in dispute as far as issuance of notifications under Sections 4 and 6 of the Act and passing of the Award are concerned. It is also not in dispute that the husband of petitioner No. 1 had filed a reference petition under Section 18 of the Act dated 15.05.2012 which was rejected by the communication dated 12.09.2012. The communication reads as under:

“office Of The Additional District

Magistrate/land Acquisition

Collector, District West, Old Middle

School Building, Rampura, Delhi – 35.

No. LAC (W)2012/11256 dated: 12.09.2012
To,
Sh. Attar Singh s/O
Sh. Jage Ram r/o V. & PO:
Mundka Delhi-41
Sub: Reference under section 18 of Land Acquisition Act, 1894.
Sir,
This is with reference to your petition under section 18 in respect of award No. 03/de/w/2008-09 of village Mundka, which is received in this office on dated 15.15.2012
In this regard, it is to inform that the award was announced on 23.05.2009. You filed an application for payment of awarded compensation on dated 20.08.2009 therefore, it can be said that you had come to knowledge of the award by then. You filed reference under section 18 only on dated 15.15.2012, which is beyond the permissible period according to section 18 of the Land Acquisition Act, 1894.
Hence, the said petition is time barred and cannot be forwarded to the ADJ Court.

(Rajesh Goyal)

Land Acquisition Collector

District West, Delhi.”

8. It is also not disputed that prior to issuing of this communication, no notice was issued to the husband of petitioner No. 1, no hearing was granted and no opportunity was given to the applicant to explain his stand. A copy of the reference petition which has been placed on record would show that an averment was made in para 3 of the petition that the petitioners were present at the time of commencement of the Award and further no notice under Sect ion 12 (2) of the Act was received by them. It would be useful to reproduce

section 18 of the Land Acquisition Act, which reads as under:

> "18. Reference to Court. –
> (1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court, whether his objection be to the measurement of the land, the amount of the compensation, the persons to whom it is payable, or the apportionment of the compensation among the persons interested.
> (2) The application shall state the grounds on which objection to the award is taken:
> Provided that every such application shall be made,-
> (a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;
> (b) in other cases, within six weeks of the receipt of the notice from the Collector under section 12, sub-section (2), or within six months from the date of the Collector's award, whichever period shall first expire."

9. A careful reading of Section 18 of the Act would show that the role of the Land Acquisition Collector is not to perform a mechanical act and thus on receipt of an application of reference under Section 18 of the Act, in our view, the Land Acquisition Collector must apply his mind before forwarding a reference under Section 18 of the Act to the Court of the Learned Additional District Judge as a specific duty has been cast upon him on the basis of Section 18 of the Act else a reference would directly lie to the Court of the ADJ. A mere reading of the provision would show that the period of limitation for filing a reference petition is six weeks if a person is present or represented before the Collector at the time when the award is made, six weeks from the receipt of notice from the Collector under Section 12(2) of the Act or six months from the date of the Collector's Award whichever period shall first expire. It is, at this point, that the Collector must apply his mind to ascertain whether the reference has been made within the period of limitation. In case, the Collector is to reject the reference on the ground of limitation or any other ground, the same would affect the rights of the applicant and thus, the order cannot be passed without affording an opportunity of hearing to the applicant. In the present case, Mr. Rai has strongly relied on a decision of the Apex Court in the case of Madan and Another (supra) to buttress his arguments that the period of limitation would start only when compensation was paid to him as no right would have accrued to him prior thereto as there was a dispute regarding apportionment.

The relevant paragraphs 3, 6, 7, 9, 10 and 11 of Madan and another (supra) read as under:

> "3. It appears that after the order dated 4-9-1991 was passed in the reference under Section 30 of the Act, the appellants received the compensation on 5-9-1991. Though the precise date is not available, within six weeks from the date of the order dated 4-9- 1991 the appellants sought a reference under Section 18 of the Act for enhancement of the compensation awarded. The aforesaid reference which was numbered as LAR No. 75 of 1992 was decided by the Second Additional District Judge, Beed by order dated 29-10-1993 enhancing the compensation amount by an

additional sum of Rs 2,10,000 along with solatium, interest, etc. as due under different provisions of the Act.

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6. The learned counsel for the appellants has vehemently urged that from the materials placed on record it is evident that the appellants did not participate in the enquiry leading to the award dated 16-8-1985 passed by the Land Acquisition Collector. No notice of the award under Section 12(2) of the Act was served on the appellants either. It is pointed out that the appellants became entitled to receive compensation under the award only on 4-9- 1991 i.e. the date of the order of the court in the reference made under Section 30 of the Act. Such compensation was received by the appellants on 5-9-1991. Thereafter, the application for reference under Section 18 of the Act was made within the period of 6 weeks from the date of the order passed under Section 30 of the Act. Relying on the decision of this Court in ***[Harish Chandra Raj Singh v. Land Acquisition Officer, AIR 1961 Supreme Court 1500]*** the learned counsel has urged that the date of knowledge of the award referred to in Section 18(2), in the present case, has to be understood to be 4-9-1991 i.e. the date of the order under Section 30 of the Act. If that be so, according to the learned counsel for the appellants, the High Court was clearly in error in holding the reference under Section 18 of the Act to be barred by limitation. Another decision of this Court in ***G.H. Grant v. State of Bihar [AIR 1966 Supreme Court 237]*** has been relied on to emphasise the true purport of Sections 18 and 30 of the Act.

7. Controverting the submissions advanced on behalf of the appellants, the learned counsel for the State has contended that the appellants having claimed to be the owners of the land were at all times aware of the land acquisition proceedings leading to the award dated 16-8-1985 passed by the Collector. According to the learned counsel for the State, the appellants, therefore, should have sought a reference under Section 18 within the time prescribed by Section 18(2). In this regard, the learned counsel for the State has pointed out that even under Section 18 of the Act it is open to an aggrieved party to seek a reference on the question of apportionment of the award. The award in the present case having been passed by the Land Acquisition Collector on 16-8-1985, the reference under Section 18 for enhanced compensation made in the year 1991 is inordinately delayed and the conclusion of the High Court to the said effect is fully justified.

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9. From the order dated 29-10-1993 passed in LAR No. 75 of 1992, it is, inter alia, clear that there was a dispute amongst the landowners (the appellants are one set of such landowners) in respect of their respective shares in the acquired land on account of which no apportionment of compensation was made by the Collector who made a reference under Section 30 of the Act to the court. Further, in the order dated 29-10-1993 it is recorded that the appellants had no knowledge of the award till the order dated 4-9-1991 came to be passed in the reference under Section 30. In ***[Harish Chandra Raj Singh v. Land Acquisition Officer, AIR 1961 Supreme Court 1500]*** this Court has held that the expression “the date of the award” used in proviso (b) to Section 18(2) of the Act must be understood to mean the date when the award is either communicated to the party or is known by him either actually or constructively. It was further held by this Court that it will be unreasonable to

construe the words “from the date of the Collector’s award” used in the proviso to Section 18 in a literal or mechanical way. In the present case, it has already been noticed that a finding has been recorded by the Reference Court in its order dated 29-10-1993 that “the petitioners had no knowledge about the passing of the award till the date of payment of compensation on 5-9-1991 because they were held entitled to receive the compensation after the decision of reference under Section 30 dated 4-9-1991”.

10. What transpires from the above is that it is for the first time on 4-9-1991 (date of the order under Section 30 of the Act) that the appellants came to know that they were entitled to compensation and the quantum thereof. It is not in dispute that the reference under Section 18 was made within 6 weeks from the said date i.e. 4-9-1991. In the above facts, it is difficult to subscribe to the view taken by the High Court to hold that the reference under Section 18 was barred by limitation.

11. A cursory glance at the provisions of Sections 18 and 30 of the Act, extracted above, may suggest that there is some overlapping between the provisions inasmuch as both contemplate reference of the issue of apportionment of compensation to the court. But, a closer scrutiny would indicate that the two sections of the Act operate in entirely different circumstances. While Section 18 applies to situations where the apportionment made in the award is objected to by a beneficiary thereunder, Section 30 applies when no apportionment whatsoever is made by the Collector on account of conflicting claims. In such a situation one of the options open to the Collector is to make a reference of the question of apportionment to the court under Section 30 of the Act. The other is to relegate the parties to the remedy of a suit. In either situation, the right to receive compensation under the award would crystallise after apportionment is made in favour of a claimant. It is only thereafter that a reference under Section 18 for enhanced compensation can be legitimately sought by the claimant in whose favour the order of apportionment is passed either by the court in the reference under Section 30 or in the civil suit, as may be.”

10. We may also note that it is a settled law that the Land Acquisition Collector has no power to condone the delay, it would be useful to refer to the observation made by a Division Bench of this Court in the case of ***Sh. Bale Ram v. Land Acquisition Collector, reported at 2005 (121) DLT 454***, wherein it has been held as under:

“Filing of an application within time is a sine qua none for its entertainment by the Collector in terms of the provisions of the statute. As the Collector is discharging its statutory functions he is bound by the provisions of the statute. The Land Acquisition Act is a complete court in itself and does not permit for application of general principles of law and even of the Limitation Act by the Collector. The Collector in fact has no power to condone the delay. Thus essentially he would have to reject an application which is beyond the prescribed period of limitation as per the provisions of section 18 of the Act. The Supreme Court in the case of ***Officer on Special Duty (Land Acquisition) and Anr. v. Shah Manilal Chandulal and ors. (1996) 9 SCC 414*** held in unambiguous term that the Act clearly makes a distinction between the Collector and the Court. This dichotomy cannot be loose sight of and the Land Acquisition Collector has no power to condone the delay.

Earlier the view taken by some of the High Courts was that mere intimation of the

award would be sufficient and the prescribed period of limitation of six months would commence from that date, when the award was announced and mere intimation was sent to the claimant. In view of the judgment of the Supreme Court, this view cannot be regarded as correct law. The most fair and reasonable construction of this proviso would be the date of knowledge of contents of the award which would be sufficient to enable the applicant to pursue his remedy like a common prudent man and in accordance with law. Unlike other proviso to section, sources of information or knowledge would not be a material consideration. It is the ultimate provided by the legislature for preferring an application under section 18 of the Act. In other cases, it would be within six weeks from the date of receipt of notice by the claimant under section 12(2) and in the event of the party being present at the time of announcement of the award within six weeks from the Collector's award. In no event, the Collector would have jurisdiction to entertain and make a reference to the Court of competent jurisdiction under section 18 of the Act in excess of six months from the date of Collector's award. In other words, within six months from the date, the party had constructed and/or actual knowledge or information of the award in regard to its essential features. The last part of the second proviso has not defined the word "Collector's Award" and this would have to be gathered from the facts and circumstances of each case but in view of the principle aforestated. Once the award has been made and the party has knowledge about its ingredients, the time limit on a realistic interpretation would commence from that date and has expired on lapse of six months. Prohibition of limitation in a statute is normally to be construed strictly and the equitable or ethical consideration would not normally be with the courts in giving it totally a liberal interpretation so as to wipe out the very effect of the limitation clause.

Reliance placed by the petitioners upon the judgments of the Supreme Court afore-referred is certainly well founded. It is a settled principle that the knowledge must relate to essential contents of the award and not merely the information that the Collector has passed the award. It will be necessary for us to refer to the relevant dictum of the supreme Court in this regard. In the case of Raja Harish Chandra (supra), the Court held as under :-

"The award made by the Collector under section 12 is, in a sence, a decision of the Collector reached by him after holding an enquiry as prescribed by the Act. It is a decision, inter alia, in respect of the amount of compensation which should be paid to the person interested in the property acquired; but legally the award cannot be treated as a decision; it is in law an offer or tender of the compensation determined by the Collector to the owner of the property under acquisition. If the owner accepts the offer no further proceedings is required to be taken; the amount is paid and compensation proceedings are concluded. If, however, the owner does not accept the offer, section 18 gives him the statutory right of having the question determined by Court, and it is the amount of compensation which the Court may determine that would bind both the owner and the Collector. In that case, it is on the amount thus determined prejudicially that the acquisition proceedings would be concluded. It is because of this nature of the award that the award can be appropriately described as a tender or after made by the Collector on behalf of the Government to the owner of the property for acceptance. Therefore, if the award made by the Collector is in law

no more than an offer made on behalf of the Government to the owner of the property then the making of the award as properly understood must involve the communication of the offer to the party concerned. Thus considered the date of the award cannot be determined solely by reference to the time when the award is signed by the Collector or delivered by him in his office, it must involve the consideration of the question as to when it was known to the party concerned either actually or constructively."

This principle was reiterated with approval by the Supreme Court in the case of Mst.Quiser Jehan Begum (supra) with further expansion to the word 'knowledge and/or information of the award' and clearly interpreting the expression 'six months from the date of Collector's award, the Court held as under :-

(5) As to the second part of clause (b) of the proviso, the true scope and effect thereof was considered by this Court in Harish Chandra's case, 1962-1 SCR 676: (AIR 1961 Supreme Court 1500) (supra). It was there observed that a liberal and mechanical construction of the words "six months from the date of the Collector's award: occurring in the second part of clause (b) of the proviso would not be appropriate and "the knowledge of the party affected by the award, either actual or constructive, being an essential requirement of fair play and natural justice, the expression.... used in the proviso must mean the date when the award is either communicated to the party or is known by him either actually or constructively."

Admittedly the award was never communicated to the respondents. Therefore the question before us boils down to this. When did the respondents know the award either actually or constructively? Learned counsel for the appellant has placed very strong reliance on the petition which the respondents made for interim payment of compensation on December 24, 1954. He has pointed out that the learned Subordinate Judge relied on this petition as showing the respondents' date of knowledge and there are no reasons why we should take a different view. It seems clear to us that the ratio of the decision in Harish Chandra's case, 1962-1 SCR 676 :(AIR 1961 Supreme Court 1500) (supra) is that the party affected by the award must know it, actually or constructively, and the period of six months will run from the date of that knowledge. Now, knowledge of the award does not mean a mere knowledge of the fact that an award has been made. The knowledge must relate to the essential contents of the award. These contents may be known either actually or constructively. If the award is communicated to a party under Section 12(2) of the Act, the party must be obviously fixed with knowledge of the contents of the award whether he reads it or not. Similarly when a party is present in Court either personally or through his representative when the award is made by the Collector, it must be presumed that he knows the contents of the award. Having regard to the scheme of the Act we think that knowledge of the award must mean knowledge of the essential contents of the award."

In the case of ***Bharat Chand Dilwali v. UOI 1988, Rajdhani Law Reporter 224*** as well as a Division Bench of Gujrat High Court in the case of ***Rsulkhanji Sardar Mahomad Khanji v. H.P. Rathod 3rd Spl Land Acquisition Officer, Ahmd and Anr. 1975 (16) Gujarat Law Reporter 911*** took the view that mere knowledge of the award or taking part in the proceedings under section 30 of the Act would not be helpful for holding that limitation had commenced from such a date. For this

purpose, the date would be when either the award was communicated to the party actually or he had knowledge of essential contents of the award actually or constructively.

Now we would apply to the above well settled principles of law to the facts of the present case. In this regard, at the very outset, we may also notice that complete and correct facts have not been disclosed by the petitioners in these petitions. The award was announced on 19th June, 1992 and possession of the property in question was taken on 25th January, 2000. The claimants were obviously fully aware about the acquisition proceedings and they filed the application for receiving of compensation on 23rd June, 2001. In this application reference was made to the essential features including the number of the award. In regard to amount of compensation payable to the petitioners they had specified definite figures in the indemnity bonds and other documents annexed with the applications or filed subsequent thereto. The indemnity bond and surety bonds and other documents were filed by Bale Ram on 3rd December 2001 while the application was filed on 23rd March, 2001. These documents clearly show that the petitioners had complete and full knowledge and information about the passing of the award and essential contents thereof for the purposes of upholding their remedy under section 18 of the Act in accordance with law. The limitation for filing an application by the petitioner under section 18 thus would commence at best from 23rd March, 2001 and even if any liberal attitude, which is not called for, is given to the petitioners, then the limitation would commence from 3rd December, 2001 and would expire on 23rd September, 2001 and 3rd June, 2001 while admittedly the application under section 18 of the Act was filed on 30th May, 2002 and 3rd June, 2002.

The Supreme Court in the case of Msmt. Qaisar Jehan Begum (supra) had granted relief to the petitioner because their Lordships of the Supreme Court as a finding of fact held that the claimants had no knowledge of the contents of the award and did not know the amount of compensation which have been awarded. This judgment, therefore, is of no help to the petitioners as they themselves had submitted all necessary documents for payment of compensation including all essential contents required for that purpose.

We may also notice here that the claimants filed application for payment of compensation and received the same without protest in the surety and indemnity bonds submitted by them before the authorities. It is nowhere stated that they were receiving the compensation under protest or without prejudice to their rights. However, in the applications submitted by them under section 18 of the Act in 2002, it is stated ” that the petitioner had not accepted the market value of the Land Acquisition Collector and other contents of the award”. The payment admittedly was received by them on 15th April, 2002 in pursuance to the documents and applications submitted without protest in March, 2001. In light of the judgment of the Supreme court in the case of ***Land Acquisition Officer v. Shivabai and Ors. JT 1997 (5) SC 123***, it is held that the claimants having received the payment without protest; reference which was barred by limitation was also without jurisdiction, both the petitioners had submitted similar applications and similar documents and thus application under section 18 of the Act would also be not maintainable in addition to the fact that it is barred by limitation.

> Argo, for the reasons aforerecorded, we find no merit in these petitions and the same are dismissed while leaving the parties to bear their own costs."

11. The objective of noting the submissions made by both the counsel for the parties is only to highlight that the petitioners have been able to raise a prima facie ground to show that the application under Section 18 of the Act is within the limitation. In our view, either the Collector did not apply his mind or in the absence of any hearing the grounds sought to be raised before this Court, could not be raised on account of lack of opportunity. While we are of the view that it is not necessary for this Court to give its opinion on the merits of the matter as this issue is to be first decided by the Land Acquisition Collector and then by the Court of the ADJ, we are of the view that in all cases whether pertaining to lack of limitation or otherwise prior to rejecting the application, it is mandatory for the Land Acquisition Collector to follow the principles of natural justice, to inform the applicant about the defects or deficiencies in the reference petition to enable the applicant to be aware of the same and thereafter give a personal hearing to the applicant or his duly authorized representative and thereafter pass a reasoned order to enable the applicant to assail the same in accordance with the law.

12. The relevance and principles regarding granting an opportunity of hearing or audi alteram partem rule was discussed in detail in the case of ***Canara Bank v. V.K. Awasthi, (2005) 6 SCC 237***, whereby it was held as under:

> "Natural justice is another name for commonsense justice. Rules of natural justice are not codified canons. But they are principles ingrained into the conscience of man. Natural justice is the administration of justice in a commonsense liberal way. Justice is based substantially on natural ideals and human values. The administration of justice is to be freed from the narrow and restricted considerations which are usually associated with a formulated law involving linguistic technicalities and grammatical niceties. It is the substance of justice which has to determine its form.
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> The expressions "natural justice"' and "legal justice"' do not present a water-tight classification. It is the substance of justice which is to be secured by both, and whenever legal justice fails to achieve this solemn purpose, natural justice is called in aid of legal justice. Natural justice relieves legal justice from unnecessary technicality, grammatical pedantry or logical prevarication. It supplies the omissions of a formulated law. As Lord Buckmaster said, no form or procedure should ever be permitted to exclude the presentation of a litigants defence.
>
> The adherence to principles of natural justice as recognized by all civilized States is of supreme importance when a quasi-judicial body embarks on determining disputes between the parties, or any administrative action involving civil consequences is in issue. These principles are well settled. The first and foremost principle is what is commonly known as audi alteram partem rule. It says that no one should be condemned unheard. Notice is the first limb of this principle. It must be precise and unambiguous. It should appraise the party determinatively the case he has to meet. Time given for the purpose should be adequate so as to enable him to make his representation. In the absence of a notice of the kind and such reasonable opportunity, the order passed becomes wholly vitiated. Thus, it is but essential that a

party should be put on notice of the case before any adverse order is passed against him. This is one of the most important principles of natural justice. It is after all an approved rule of fair play."

13. Resultantly, we quash the impugned order passed by the Land Acquisition Collector dated 12.09.2012. We direct the petitioners to appear before the Land Acquisition Collector on 20.03.2018. The Collector will grant a personal hearing to the petitioners or his representative and pass a reasoned order unaffected by any observations made by this Court in this matter.

14. The writ petition is disposed of in the above terms.