



LPA-1746-2026 :1:

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-1746-2026 (O&M)
RESERVED ON:09.07.2026
PRONOUNCED ON:23.07.2026

UNION OF INDIA AND ANOTHER

... Appellants

VERSUS

PARDEEP SINGH PATHANIA AND OTHERS

....Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL
HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present: Mr. Dharm Chand Mittal, Advocate
for the appellants.

SUVIR SEHGAL, J.

1. This intra-Court appeal has been filed under Clause X of the Letters Patent by appellant-Union of India, challenging the judgement dated 06.05.2026 passed by learned Single Judge, whereby the writ petition filed by respondent-landowner has been allowed and he has been granted enhanced compensation.

2. Facts are not in dispute. Land owned by the respondent No.1 in village Phangoli, Tehsil and District, Patrankot, was acquired for defence purposes, vide notifications dated 22.02.1991 issued under Sections 4 and 6 of the Land Acquisition Act, 1894, (for short 'the 1894 Act'), by invoking the urgency provision. Land Acquisition Collector (LAC), passed an award under Section 11 *ibid* on 15.03.1993. Dissatisfied with



LPA-1746-2026

:2:

the compensation awarded, landowners approached the reference court whereupon the compensation amount was enhanced through three separate awards. Regular First Appeals filed before this Court, were decided vide judgement dated 17.02.2016. The lead case was RFA No. 2902 of 1999, titled as 'Union of India and another Vs. Major Pritam Singh and another', whereby the market value of the acquired land was assessed at a uniform rate of Rs. 2300/- per marla. Appellant as well as the landowner assailed the said decision before Hon'ble the Apex Court and the appeals preferred by both the sides were dismissed on merits, vide order dated 23.02.2023. Thereafter, the respondent No.1 filed an application under Section 28-A of the 1894 Act on 28.03.2023 seeking redetermination of compensation on the ground on parity, which has been dismissed by the LAC as being barred by time. Aggrieved thereby, the respondent No.1 challenged the judgement by filing a writ petition, which has been accepted vide the impugned order, application under Section 28-A of the 1894 Act has been held to be within time and he has been awarded compensation at the rate of Rs. 2300/- per marla.

3. The sole argument of Mr. Dharm Chand Mittal, counsel for the appellant, is that the application under Section 28-A of the 1894 Act was beyond the prescribed period of limitation. He asserts that application under Section 28-A *ibid* should have been moved within a period of three months from the date of the judgement of the High Court. It is his argument that the dismissal of the appeals by the Supreme Court on 23.02.2023 does not furnish a fresh cause of action to respondent No.1 to invoke Section 28-A of the 1894 Act. In support of his arguments, counsel has placed reliance upon



LPA-1746-2026

:3:

Union of India and another Vs. Pradeep Kumari and others, (1995) 2 SCC 736; Union of India and another Vs. Hansoli Devi and others, (2002) 7 SCC 273; and Banwari and others Vs. Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) and another, 2025 (1) R.C.R.(Civil) 232.

4. We have heard counsel for the appellants and have given our thoughtful consideration to the arguments addressed by him.

5. Section 28-A of the 1894 Act has come up for interpretation before the Supreme Court as well as before this Court on numerous occasions. In *Pradeep Kumari's* case (supra), Apex Court examined the statement of objects and reasons of the statute and held that the object underlying the enactment of Section 28-A *ibid* is to remove inequality in the payment of compensation for the same or similar quality of land arising on account of inarticulate and poor people being unable to take advantage of the right of reference to the Civil Court under Section 18 of the 1894 Act. This is sought to be achieved by providing an opportunity to all aggrieved parties whose land is covered by the same notification to seek redetermination once any of them has obtained orders for payment of higher compensation from the reference Court. Section 28-A *ibid* is therefore in the nature of a beneficial provision intended to remove inequality and give relief to persons who are not able to take advantage of the right of reference. Hon'ble the Apex Court observed that there is nothing in Section 28-A(i) to indicate that the right is confined in respect of the earliest award that is made by the Court after the coming into force of Section 28-A.



LPA-1746-2026

:4:

6. In **Hansoli Devi**'s case (supra), Hon'ble the Supreme Court observed dismissal of an application under Section 18 of the 1894 Act on ground of delay or any other technical ground would tantamount to not filing an application and right of the landowner to move an application under Section 28-A *ibid* cannot be denied. It has been further held that receipt of compensation, with or without protest, pursuant to the award of LAC is of no consequence for the purpose of making an application under Section 28-A *ibid*.

7. In **Banwari**'s case (supra), Hon'ble the Supreme Court held that where a landowner is seeking redetermination of compensation on the basis of enhancement granted by the High Court, an application under Section 28-A can be filed within a period of three months from the date of judgement of the High Court. Likewise, in **Popat Bahiru Govardhane and others Vs. Special Land Acquisition Officer and another, (2013) 10 SCC 765**, it was clarified that the period of three months prescribed for filing an application would commence from the date of award and not from the date of knowledge thereof.

8. Very recently, in **Andanayya and others Vs. Deputy Chief Engineer and others, 2026 (2) RCR (Civil) 502**, Apex Court expounded the law and came to the conclusion that a second application for redetermination of compensation based on the enhancement by the High Court is maintainable even if the landowner had earlier filed an application and received compensation based on the award of the reference Court.

9. The facts of the present case have to be examined in the light of the above noticed settled legal position. Factual matrix is not in dispute. The



LPA-1746-2026

:5:

sole question to be determined is whether the limitation for filing the application will start from the date of decision of the High Court or from the date of dismissal of appeals by the Supreme Court.

10. A perusal of the judgement passed by Hon'ble the Supreme Court shows that the SLPs filed by both the sides were granted and converted into appeals which were dismissed on 23.02.2023. In this background, the judgement passed by the High Court merged with the judgement of the Supreme Court. As the appeals filed by both the sides were entertained though they were dismissed on merits, the doctrine of merger applies. The judgement passed by the High Court stood merged in the judgement of Hon'ble the Supreme Court. Reference in this regard can be placed upon the judgement of Hon'ble the Supreme Court.

11. In *V. M. Salgaocar & Brothers Pvt. Ltd. vs. Commissioner of Income Tax, (2000) 5 SCC 373*. Apex Court has held that different considerations apply when a special leave petition under Article 136 of the Constitution is simply dismissed and an appeal under Article 133 is dismissed with the words, 'the appeal is dismissed'. When the SLP is dismissed, Supreme Court does not comment upon the correctness or otherwise of the order from which leave to appeal is sought, but what the Court means that it does not consider it to be a fit case for exercise of its jurisdiction under Article 136 of the Constitution. That certainly is not the case when an appeal is dismissed though by a non-speaking order. Here the doctrine of merger applies. In such case, Supreme Court upholds the decision of the High Court or the Tribunal of the High Court from which an appeal is provided under Clause 3 of Article 133. The



LPA-1746-2026

:6:

doctrine of merger however does not apply when SLP is dismissed under Article 136 of the Constitution.

12. Applying the doctrine of merger, this Court affirmatively holds that the limitation for filing an application under Section 28-A of 1894 Act has to start from the date of the dismissal of an appeal by the Supreme Court. In the present case, application having been moved on 28.03.2023 is held to be within the prescribed ninety days window provided by the statutory provision. The market value of Rs.2300/- per marla is undisputed and the learned Single Judge has balanced the scales of equity by holding the application to be within limitation while directing the release of the enhanced compensation along with all statutory benefits.

13. This Court does not find any manifest factual or legal infirmity in the comprehensive reasons recorded by the learned Single Judge and this Court declines to interfere with the impugned judgement. As a result, the present Latest Patent Appeal is hereby dismissed though with no order as to cost.

14. Pending application(s), if any, shall also stand(s) disposed of accordingly.

(SUVIR SEHGAL)
JUDGE

(DEEPINDER SINGH NALWA)
JUDGE

23.07.2026

Rimpal

Whether speaking/reasoned : Yes
Whether reportable : Yes