

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

CWP No.13428 of 2014 (O&M)

Date of Decision:-18.10.2016.

Jai Bhagwan and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

**Present:** Mr. Naresh Kaushik, Advocate for the petitioner.

Mr. R.D. Sharma, DAG, Haryana.

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**SURYA KANT, J. (ORAL)**

**CM No.1021-CWP of 2016**

CM is allowed subject to all just exceptions.

With the consent of both the parties, main case is taken up on Board for final disposal.

**CWP No.13428 of 2014**

The petitioners were granted higher compensation at par with other land owners under Section 28-A of the Land Acquisition Act, 1894 (for short 'the Act') vide Land Acquisition Collector's Award dated 23.8.2013. The said award granted compensation at the rate as was assessed by the District Judge under Section 18 of the Act. Thereafter, the compensation amount has been enhanced by this Court in Regular First

Appeal No.5360 of 2011 and other connected appeals decided on November 3, 2015. The petitioners are *prima facie* entitled to such enhanced amount of compensation but the remedy to seek such relief lies under Section 28 A (3) of the Act, namely, a reference to the Court of District Judge. The instant writ petition is, accordingly, disposed of with liberty to the petitioners to file the reference and seek its adjudication in accordance with law. It is directed that if the petitioners file the reference within one month from the date of receipt of copy of this order, the Collector shall forward the same to the Court concerned within one month. The Court shall make an endeavour to decide the same within six months.

**(SURYA KANT)**  
**JUDGE**

**(SUDIP AHLUWALIA)**  
**JUDGE**

**October 18, 2016.**  
***sandeep sethi***

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.