

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 11485 of 1994 (O&M)
Date of decision: 20.2.2017

Moti Lal

.. Petitioner

v.

State of Haryana and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. HPS Ishar, Advocate for the petitioner.
Mr. Ankur Mittal, Addl. Advocate General, Haryana.

...

Rajesh Bindal J.

Challenge in the present petition is to the order dated 27.10.1993, passed by Land Acquisition Collector, Hisar, (for short, 'the Collector') vide which the application filed by the petitioner under Section 28-A of the Land Acquisition Act, 1894 (for short, 'the Act') was dismissed.

Briefly stated, the facts of the case are that vide notification dated 30.1.1973, issued under Section 4 of the Act, State of Haryana sought to acquire the land situated in Hisar for residential-cum-commercial complex. The same was followed by notification dated 24.7.1973, issued under Section 6 of the Act. The Collector, vide award dated 5.9.1973,

assessed the compensation. Aggrieved against the award of the Collector, some of the land owners filed objections, which were referred to the learned court below, who keeping in view the material placed on record by the parties, enhanced the compensation for the acquired land. The landowners preferred appeal against the award of the Reference Court. Vide judgment dated 12.10.1981, this court in RFA No. 595 of 1979—Sheo Lal (deceased) through LRs and others v. The State of Haryana and another, enhanced the compensation to ₹ 23/- per square yard for the land falling in block 'A' and ₹ 16/- per square yard for the remaining land. The judgment of this court was upheld by Hon'ble the Supreme Court in Sher Singh v. State of Haryana, (1991) 3 SCC 335 in the appeals filed by the landowners.

The petitioner in the present case filed application dated 27.3.1991 before the Collector seeking parity of compensation in terms of the judgment of Hon'ble the Supreme Court in Sher Singh's case (supra), which was delivered on 8.1.1991. The application was dismissed by the Collector being time-barred. In terms of the provisions of Section 28-A of the Act, such an application could be filed within three months from the date of award of the court, on the basis of which re-determination of compensation is sought. Hon'ble the Supreme Court in Union of India v. Smt. Hansoli Devi, 2003(2) RCR (Civil) 734 opined that the word “court”, as mentioned in Section 28A(1) of the Act is the Reference Court. As in the case in hand, the petitioner filed application on the basis of judgment of Hon'ble the Supreme Court and not on the basis of award of the Reference Court, the same being highly belated has rightly been dismissed.

The contention raised by learned counsel for the petitioner that appeal is continuation of proceedings, hence, the judgment of Hon'ble the

Supreme Court could be relied upon for claiming re-determination of compensation is merely to be noticed and rejected, as the same runs contrary to the law laid down by Hon'ble the Supreme Court.

For the reasons mentioned above, we do not find any merit in the present petition. The same is, accordingly, dismissed.

(Rajesh Bindal)
Judge

(Harinder Singh Sidhu)
Judge

20.2.2017
mk

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No