

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

**CWP No.12895 of 2018
Decided on : 22.10.2019**

Haryana State Industrial and Infrastructure Development Corporation
Limited (HSIIDC)

... Petitioner

Versus

Satish Kumar and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Pritam Singh Saini, Advocate
for the petitioner.

Mr. P.R. Yadav, Advocate
for respondent No.1.

G.S. Sandhawalia, J. (Oral)

Reply filed on behalf of respondent No.1 is taken on record.

Challenge in the present writ petition filed under Articles 226/227 of the Constitution of India is to the order dated 15.12.2016 (Annexure P-3) passed by respondent No.5 under Section 28A (2) of the Land Acquisition Act, 1894 (for short 'the Act'), whereby a sum of ₹43,17,841/- per acre was held to be the entitlement of the landowners on account of the fact that the Reference Court had granted the said amount vide Award dated 30.01.2013.

It is not disputed that the matter had been brought before this Court by the other landowners. A Coordinate Bench of this Court in **RFA No.1853 of 2012 'Attar Singh Vs. State of Haryana and others'** and other connected matters decided on 05.02.2016 (Annexure P-4) for the notification dated 11.01.2005 issued under Section 4 of the Act, had enhanced the compensation to ₹62,11,700/- per acre.

**IN THE HIGH COURT OF PUNJAB AND HARYANA
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CWP No.12895 of 2018

-2-

The matter had further been taken to the Apex Court in **Civil Appeal No.885 of 2018 'Surender Singh Vs. State of Haryana and others'** both by the landowners and the State. The matter was remanded to the Reference Court vide judgment dated 25.01.2018 (Annexure P-5).

Resultantly, the basis of the impugned order which was on the strength of Reference Court Award dated 30.01.2013 does not survive any longer. It is a settled principle that applications under Section 28A of the Act are not to be decided till the matters are finalized by the superior Courts. Reliance can be placed upon judgments of the Apex Court passed in '**Babua Ram and others Vs. State of U.P. and another, 1995 (2) SCC 698, 'Union of India Vs. Pardeep Kumari, 1995 (2) SCC 736, 'Union of India Vs. Hansoli Devi', 2002 (7) SCC 273 and 'Bharatsingh Vs. The State of Maharashtra and others', (2018) 11 SCC 92.**

In such circumstances, the order dated 15.12.2016 (Annexure P-3) is not sustainable and the same is quashed. However, it is made clear that it will be open to the landowners to file an application to revive their claim under Section 28A of the Act as and when the litigation is finalized.

The writ petition stands disposed of, accordingly.

OCTOBER 22, 2019

Naveen

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No