

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

RFA-197-2014

Date of decision: 22.05.2019

Devender & others

....Appellants

Versus

State of Haryana & others

...Respondents

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

Present: Mr.Navneet Singh, Advocate, for the appellants.

Mr.Vishal Garg, Addl.A.G., Haryana, for HSIIDC.
Mr.Abhinash Jain, AAG, Haryana.

G.S. SANDHAWALIA, J. (Oral)

The present appeal, filed under Section 54 of the Land Acquisition Act, 1894, filed by the landowners, is directed against the award passed under Section 28-A, of the Reference Court, Sonapat dated 21.08.2013, whereby compensation has been enhanced from Rs.35,00,000/- per acre to Rs.36,00,000/- per acre on the basis of the award dated 19.10.2011, passed by the Reference Court, Sonapat.

Though the present appeal has been filed for enhancement. But in similar circumstances, the appeal filed by the HSIIDC, bearing **RFA-41-2015** titled *HSIDC now HSIIDC Vs. Raj Rani & others*, decided on 20.05.2019, the same issue was noticed that the Land Acquisition Collector had forwarded the petition filed under Section 28-A straight away to the Additional District Judge, without taking a call and passing an award under Section 28-A(2). The Additional District Judge, thus, has decided the issue without any order having been passed by the Land Acquisition Collector and therefore, has transgressed his jurisdiction as it was not within his ambit, as such, to decide the petition, at the first instance, keeping in view the

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provisions of Section 28-A, which provides that a reference is to be made under Section 28-A(3) to the Court, if an order has been passed under Section 28-A(2) and the person has not accepted award.

Faced with this situation, counsel for the appellants is not in a position to press the present appeal.

Accordingly, the present appeal is disposed of, by remanding the matter to the District Judge, Sonapat, to further refer the same back to the District Revenue Officer-cum-Land Acquisition Collector, to pass the order under Section 28-A(2).

22.05.2019
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*