

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.32544 of 2018
Date of Decision: 26.02.2019

Kamaljit Singh & Ors.

... Petitioners

VS.

State of Haryana & Ors.

... Respondents

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

Present: Mr. DR Bansal, Advocate for the petitioners

Ms. Vibha Tewari, AAG Haryana

G.S. SANDHAWALIA, J. (Oral)

(1) The challenge in the present writ petition is to the order dated 13.11.2018 (P6) whereby the application under Section 28A of the Land Acquisition Act, 1894 has been dismissed on the ground that the enhancement as such has been sought on the basis of judgment of the Apex Court in case of **CA Nos.19354 of 2017 (Rajender Singh & Ors. Vs. State of Haryana & Ors.)** decided on 17.11.2017.

(2) The Apex Court in **Ramsinghbhai (Ramsangbhai) Jerambhai vs. The State of Gujarat & Anr. CA No.4885 of 2018**, decided on 24.04.2018 has dealt with the issue that Section 28A talks only of an award under Part-III and the benefit of enhancement as granted by the High Court was declined. Resultantly, no fault can be found in the order dated 13.11.2018 as such. However, sub-Clause (3) of Section 28A of the Act provides that the matter can be referred to the District Judge. The said provision reads as under:-

“(3) Any person who has not accepted the award under sub-section (2) may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court and

the provisions of sections 18 to 28 shall, so far as may be, apply to such reference as they apply to a reference under section 18.”

(3) Keeping in view the above, counsel submits that liberty be given to seek reference to the District Judge in terms of the above-said provision so that the benefit of enhanced compensation can also be sought on account of the parity keeping in view the judgment of the Apex Court being a relevant piece of evidence.

(4) The writ petition is disposed of with liberty aforementioned.

26.02.2019

vvishal

(G.S. Sandhawalia)
Judge

1. *Whether speaking/reasoned?*

Yes/No

2. *Whether reportable?*

Yes/No