

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

**CWP-832-2020**

**Decided on : 14.01.2020**

The Haryana State Industrial & Infrastructure Development Corporation  
Limited (HSIIDC) ... Petitioner

Versus

Chand Singh & others ... Respondents

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

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

**G.S. Sandhawalia, J. (Oral) :-**

The present writ petition, filed under Articles 226/227 of the Constitution of India, challenges the order dated 28.04.2019 (Annexure P-3), passed by the District Revenue Officer-cum-Land Acquisition Collector, Jhajjar, whereby the application under Section 28-A of the Land Acquisition Act, 1894 (for short, the 'Act') has been allowed and compensation @ Rs.32,62,500/- per acre has been granted, as determined by the Apex Court.

The Reference Court had enhanced the compensation on 01.07.2013 and the application under Section 28-A was filed on 09.10.2013. In the written statement filed by the appellant, defence was taken that there was delay of 9 days in filing the petition. Resultantly, an application (Annexure P-4) for condonation of delay of 7 days had been filed before the Collector, explaining that the application was filed by calculating the period of preparation of copy by including date of delivery which was 27.07.2013 and accordingly, condonation of delay was prayed for, on the ground that the landowner should not be penalized and justice should be done on merits and not to be denied on technical grounds.

Mr.Saini has vehemently submitted that no order was passed on the application for condonation of delay and the petition under Section 28-A was allowed and thus, it is submitted that the same was not sustainable.

In similar circumstances, the Apex Court in **Karam Chand (Dead) by LRs & another Vs. State of Himachal Pradesh & another 2017 (3) M.P.W.N. 360**, condoned the delay and remanded the matter for fresh decision, on the ground that the landowners are entitled for the same amount of compensation once the land was acquired vide the same notification. Same reads as under:

“Leave granted.

2. We have heard learned counsel for the parties.

3. The appellants sought determination of compensation at par with the compensation awarded to others covered by the same notification under [Section 28-A](#) of the Land Acquisition Act, 1894. The said prayer having been rejected on the ground of delay, this appeal has been preferred.

4. We are of the view that even though limitation is prescribed and it is expected that the aggrieved party takes remedies within such prescribed time, the delay can be extended in appropriate cases. Subject to declining the interest for the delayed period, the compensation can be re-determined and paid to the appellants.

5. Accordingly, we set aside the impugned order and remand the matter to the Collector for re-determination of the compensation in above terms.

6. The appeal is disposed of.”

The Apex Court in **Narendra & others Vs. State of Uttar Pradesh & others (2017) 9 SCC 426** has held that Section 28-A has been incorporated with the salutary purpose of granting the same amount

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of compensation to the landowners whose land has been acquired under the principle of “Eminent Domain”. In such circumstances, challenge to the order dated 28.04.2019 (Annexure P-3) is not tenable, under the extraordinary writ jurisdiction of this Court. It is least expected of the Corporation which is divesting the landowners of their valuable land to be initiating litigation on such technical grounds, to delay the landowners of their rightful claim of compensation after having acquired their land.

In such circumstances, reliance upon the judgments in **Union of India & others Vs. Mangatu Ram & others 1997 (6) SCC 59**, **State of Andhra Pradesh & another Vs. Marri Venkaiah & others 2003 (7) SCC 280** and **Satish & others Vs. State of Haryana & others 2016 (1) RCR (Civil) 78**, would be of no avail once the Apex Court, in similar circumstances, in **Karam Chand** (supra) has held that the delay can be condoned. This Court, thus, chooses to follow the view of the said judgment, in view of the judgment of the Full Bench in **Indo Swiss Time Limited Vs. Umrao & others AIR 1981 P&H 213**, that this Court can follow a view which appears to lay down the law more elaborately and accurately.

Accordingly, in view of the above discussion, finding no merit in the present writ petition, the same is dismissed in limine.

**January 14<sup>th</sup>, 2020**  
*sailesh*

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

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No