

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 19200 of 2021

Date of Decision: 11.05.2022

Smt. Leelawati and Others

... Petitioner(s)

Versus

State of Haryana and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Nonish Kumar, Advocate
for the petitioner(s).

Mr. Harsh Vardhan, Assistant Advocate General,
Haryana, for the respondent No.1 and 2.

Anil Kshetarpal, J.

1. The petitioners pray for issuance of a writ in the nature of certiorari to set aside the order dated 29.12.2016, passed by the Land Acquisition Collector.

2. Some facts are required to be noticed. In order to acquire the land, the notifications under Section 4 and 6 of the Land Acquisition Act, 1894 (hereinafter referred to as “the 1894 Act”), were issued in the year 1998. The land was acquired vide award No. 11 dated 05.10.1999. The petitioners did not file an application under Section 18 of the 1894 Act. The land of the various other landowners was also acquired and on their application, the Reference Court has redetermined the market value of the acquired land vide judgment dated 04.11.2018. The petitioners, still, did not file an application under Section 28-A of the 1894 Act within the time

prescribed. In the first appeal, the amount was further enhanced. The petitioners, for the first time, have filed an application under Section 28-A of the 1894 Act on the basis of the judgment passed by the High Court. The application under Section 28-A of the 1894 Act is maintainable only on the basis of any award passed by the Reference Court while deciding an application filed under Section 18 of the 1894 Act, if there is an enhancement by the Reference court. In the present case, the petitioners did not file an application under Section 28-A of the 1894 Act on the basis of the award passed by the Reference Court on 04.11.2018.

3. This Court, in *Haryana State Industrial and Infrastructure Development Corporation Limited v. Smt. Shanti and Others (Civil Writ Petition No. 8456 of 2020, decided on 06.09.2021)*, while relying upon the two larger Bench judgments of the Supreme Court, has held that the application under Section 28-A of the 1894 Act cannot be filed on the basis of the judgment passed by the Supreme Court or the High Court.

4. Keeping in view the aforesaid facts, the writ petition is without any substance. Hence, the present writ petition is dismissed.

(Anil Kshetarpal)
Judge

May 11, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No