

**CWP-9019-2022 (O&M)
and connected cases**

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**145-2 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

1.CWP-9019-2022 (O&M)

Haryana Shehri Vikas Pradhikaran

....Petitioner

Versus

Land Acquisition Collector and others

..Respondents

2.CWP-9110-2022 (O&M)

Haryana Shehri Vikas Pradhikaran

....Petitioner

Versus

Land Acquisition Collector and others

..Respondents

3.CWP-9105-2022 (O&M)

Haryana Shehri Vikas Pradhikaran

....Petitioner

Versus

Land Acquisition Collector and others

..Respondents

4.CWP-9051-2022 (O&M)

Haryana Shehri Vikas Pradhikaran

....Petitioner

Versus

Land Acquisition Collector and others

..Respondents

Date of decision: 09.08.2022

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ankur Mittal,
Mr. Ajay Bansal,
Mr. Jugam Arora, Advocates for the petitioner

Mr.J.S.Pannu, AAG, Haryana and
Mr. Harsh Vardhan, AAG, Haryana

Mr. Adarsh Jain, Advocate for respondent no.2

ANIL KSHETARPAL, J (Oral)

On 04.05.2022, the following order was passed by this
Court:-

“The learned counsel representing the petitioner inter-alia contends that the application under Section 28-A of the Land Acquisition Act, 1894, was not maintainable on the basis of the judgment passed by the High Court while deciding an appeal under Section 54 of the Land Acquisition Act, 1894, as well as by the Supreme Court. He contends that the application under Section 28-A of the Land Acquisition Act, 1894, can only be filed if the Reference Court enhances the market value of the acquired land from the award passed by the Land Acquisition Collector.

*In support of his arguments, he relies upon the judgment passed in **Haryana State Industrial and Infrastructure Development Corporation Limited vs. Smt. Shanti and others (Civil Writ Petition No.8456 of 2020, decided 06.09.2021).***

Notice of motion.

Mr. Shivendra Swaroop, Assistant Advocate General, Haryana and Mr. Harsh Vardhan, Assistant Advocate General, Haryana, accept notice on behalf of the respondent No.3.

List on 23.05.2022, in the urgent list, for final disposal.

In the meantime, the effect and operation of the respective impugned awards passed by the Land Acquisition Collector in all the writ.

A photocopy of this order be placed on the files of other connected cases.”

Learned counsel representing the private respondent has filed an application on 31.10.2019 for permission to withdraw the previous application filed under Section 28-A of the Land Acquisition Act, 1894, with liberty to file a fresh application under Section 28-A on the basis of another award passed by the Reference Court. He submits that in fact a fresh application under Section 18-A has already been submitted.

Keeping in view the aforesaid facts, the awards dated 18.12.2019 (in CWP- 9105-2022) and dated 18.02.2020 (in CWP-9019, 9110 and 9051 of 2022) are set aside. If maintainable, respondent no.2 may prosecute the fresh application, which is stated to have been filed. Needless to observe that the petitioner herein will have liberty to take all the objections in accordance with law.

All the pending miscellaneous applications, if any, are also disposed of.

09.08.2022
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No