

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

CWP-15567-2022 (O&M)

Date of decision: 14.12.2022

Haryana Shehri Vikas Pradhikaran

....Petitioner

Versus

Land Acquisition Collector and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jugam Arora, Advocate for
Mr. Ankur Mittal, Advocate for the petitioner

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

Mr. Vipin Pal Yadav, Advocate for respondent no.2

ANIL KSHETARPAL, J (Oral)

Learned counsel representing the parties are ad idem that in view of the judgment passed in CR-8456-2020 titled as '**Haryana State Industrial and Infrastructure Development Corporation Limited vs. Smt. Shanti and others**' decided on 06.09.2021, the impugned order dated 29.12.2020 (Annexure P-5) is required to be set aside. In the aforesaid judgment, while relying upon the various judgments passed by the Supreme Court, it has been held by this Court that an application under Section 28A of the Land Acquisition Act, 1894, is maintainable only on the basis of the award passed by the Reference Court and not on the basis of the judgment passed by the High Court or the Supreme Court.

Keeping in view the aforesaid consensus arrived at, the writ

petition is allowed. The order dated 29.12.2020 (Annexure P-5) is set aside.

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

14.12.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE