

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-9022 of 2022
Date of Order: 02.05.2022

Jai Bhagwan

..Petitioner

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.S.Mor, Advocate,
for the petitioner.
Mr. Narinder Singh Behgal, AAG, Haryana.

ANIL KSHETARPAL, J(Oral)

The petitioner prays for issuance of a writ in the nature of mandamus to direct the respondents to pay the same amount of compensation as ordered by the Supreme Court on 22.11.2017 in S.L.P.(c) No.4914-29 of 2016.

Some facts are required to be noticed.

The Land Acquisition Collector announced the award under Section 11 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the 1894 Act') on 12.06.2009, while assessing the market value of the acquired land at the rate of Rs.45,00,000/- per acre.

The petitioner did not file an application under Section 18 of the 1894 Act, whereas on the applications of various other landowners, the Reference Court reassessed the market value at the rate of Rs.52,25,000/- per acre vide order dated 31.07.2013. The petitioner's application under Section 28A for award of the same amount was allowed on 13.07.2017. The various other owners filed appeals against the judgment passed by the Additional District Judge, which were dismissed by the High Court on 20.11.2015. As already noticed, the Supreme Court on further appeals filed

by the various other owners, reassessed the market value at the rate of Rs.60,92,400/- per acre.

The petitioner now prays for release of the same amount.

The 1894 Act gives two opportunities to the landowners to get the amount determined from the Court. At the first stage, the landowners are permitted to file an application under Section 18 of the 1894 Act within the time prescribed for referring the matter to the Court. If the landowners fail to avail the first opportunity, they are entitled to file an application under Section 28A to the Land Acquisition Collector, if the Reference Court enhances the market value of the acquired land. On the decision of the application under Section 28A, the landowners is entitled to file an application under Section 28A(3) of the 1894 Act, within the time prescribed under Section 18 of the 1894 Act for referring the matter to the Court. The petitioner did not avail any of the aforesaid remedy.

The 1894 Act does not envisage payment of the same amount of compensation to the landowners who have failed to avail the remedies provided under the 1894 Act. The order passed by the Land Acquisition Collector on 13.07.2017 has become final between the parties.

In view thereof, no ground to issue the writ as prayed for, is made out.

Dismissed.

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

May 02, 2022

(ANIL KSHETARPAL)
JUDGE

nt

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