

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

**(226)**

**CR-8755-2015 (O&M)  
Date of Decision: 12.07.2023**

Union of India

.....Petitioner

Versus

Swaran Singh and Anr.

.....Respondents

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Arun Gosain, Sr. Panel Counsel, with  
Ms. Swati Aawa, Advocate, for the petitioner-UOI.

Mr. Rajinder Sharma, Advocate, with  
Mr. Mridul Sharma, Advocate, for respondents.

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**HARKESH MANUJA, J.(ORAL)**

1. By way of present revision petition, filed under Article 227 of the Constitution of India, prayer has been made for setting aside the order dated 27.06.2014 passed by Special Land Acquisition Collector, Amritsar (Annexure P-1) while disposing of an application filed under Section 28-A of the Land Acquisition Act, 1894, seeking re-determination of compensation at the instance of respondent No.1/land owner.

2. As per Section 28-A(3), the petitioners have got an efficacious alternate remedy of filing appeal against the order passed by the Special Land Acquisition Collector, in exercise of power under Section 28-A, rather than invoking the supervisory revisional jurisdiction of this Court under Article 227 of the Constitution of India. This issue even stands determined by this Court in case of **Union of India Vs. State of Punjab and others, 2022 (3) R.C.R.(Civil) 342**. The relevant para-6 thereof is reproduced hereunder:

*“6. Sub-section 3 of the Section 28 A enables any party to seek reference to the Court, if he/it is not satisfied with the award passed by the Collector under Section 28-A (2). In the present*

*case, the award has been passed by the Collector in the aforesaid provision. Hence, the petitioner does have an effective alternative statutory remedy to apply to the Collector requiring him to make a reference to the Court. All the arguments of the learned counsel for the petitioner can be examined by the court once the Collector refers the matter to the competent Court. It is pertinent to note that in the order dated 04.03.2021, the High Court had only directed the respondent to take steps on the representation of the land owner. Hence, the aforesaid direction nowhere debars the petitioner from invoking the statutory remedy to apply for reference to the Collector under Section 28-A (3).”*

- 3. In view of the aforesaid exposition of law, the petitioners are relegated to the alternate statutory remedy available under Section 28-A (3) of the Land Acquisition Act, 1894.
- 4. The present revision petition is disposed of in the aforesaid terms.
- 5. Pending application(s), if any, shall remain disposed of.

**(HARKESH MANUJA)**  
**JUDGE**

**12.07.2023**  
anil

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