



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

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**CR No.531 of 2010 (O&M)
Date of Decision:11.12.2025**

**RAJESH KUMAR GUPTA
Vs
STATE OF HARYANA AND ANR.**

**.....Petitioner
....Respondents**

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vinay Kumar Pandey, Advocate
for the petitioner.

Ms. Komal Sharma, D.A.G., Haryana.

HARKESH MANUJA, J. (Oral)

[1]. By way of present revision petition, challenge has been laid to the order dated 22.08.2009 passed by the learned Addl. District Judge, Sonapat (for short 'the Reference Court') whereby the application preferred at the instance of the petitioner-landowner for seeking correction of land details in the Objection Petition preferred under Section 18 of the Land Acquisition Act, 1894 (for short 'the 1894 Act') having invoked Section 151-153 of CPC stands declined.

[2]. The brief facts for the determination of the present revision petition are that the petitioner owned 1/3rd share in the land comprised in **Killa Nos.21/16/2 (1-16) and 25/1 (3-7) also in Killa No.20/20/1/2/(5-13), 20/2/2 (1-18), 21/15/3/(6-13) and 21/16/1(6-4)**, situated in the revenue estate of village Sultanpur, Hadbast No.80, Tehsil and District Sonapat which came to be acquired vide Notifications dated 09.11.1992 and 06.11.1993 issued under Sections 4 and 6 of the 1894 Act, respectively, followed by passing of Award dated 05.11.1995 by the Land Acquisition Collector (for short 'the LAC').

[2.1]. Aggrieved thereof, the petitioner-landowner preferred objections under Section 18 of the 1894 Act, however inadvertently the details of land parcels



were only mentioned as “*Land measuring 8 Kanals 11 Marlas i.e. 1/3rd share of the land measuring 25 Kanals 11 Marlas comprised in 20/20/1/2/(5-13), 20/2/2 (1-18), 21/15/3/(6-13) and 21/16/1(6-4)*”, however omitting the details of land parcels as “*Killa Nos.21/16/2 (1-16) and 25/1 (3-7) of 1/3rd share of the applicant in total land measuring 25 Kanals 11 Marlas*”. The learned Reference Court adjudicated upon the Reference under Section 18 of the 1894 Act vide its award dated 10.08.2001. Still aggrieved, the petitioner-landowner approached this Court having filed Regular First Appeal, which came to be decided on 30.07.2008.

[2.2]. However, at a later stage the petitioner noticed the inadvertent error in not mentioning the compete particulars of the acquired land in the objection petition preferred under Section 18 of the 1894 Act and accordingly moved appropriate application in this regard before the learned Reference Court invoking Sections 151-153 of CPC. The said application was opposed at the instance of the respondents and the learned Reference Court vide its impugned order dated 22.08.2009 dismissed the said application. Aggrieved thereof, the present revision petition has been filed.

[3]. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of learned counsel for the petitioner.

[4]. It has no where been disputed by learned State counsel that the petitioner happened to be landowner to the extent of 1/3rd share in the entire land mentioned in the preceding part of the order, which stood acquired in furtherance of notifications dated 09.11.1992 and 06.11.1993 issued under Sections 4 and 6 of the 1894 Act.



However, on account of inadvertent typographical error in the objection petition preferred under Section 18 of the 1894 Act, incomplete particulars of land were mentioned.

[5]. A perusal of Section 18 of the 1894 Act shows that it nowhere enjoins upon the landowner to give the details of the acquired land but only talks about filing of objection to the measurement of the land, amount of compensation, person to whom it is payable or the apportionment of compensation among the persons interested. On the contrary, Section 19 of the 1894 Act casts a statutory obligation upon the Land Acquisition Collector to inform the Court in writing the situation and extent of the acquired land besides providing other details.

[6]. In such circumstances, once the Land Acquisition Collector failed to discharge its statutory obligation to provide complete extent of land holdings owned by the petitioner, which stood acquired; the petitioner was not to be put to any disadvantageous position and the application preferred at his instance seeking incorporation of correct land details was required to be allowed even after culmination of the proceedings arising out of Section 18 of the 1894 Act. Reliance in this regard can be placed upon the decision passed by the Hon'ble Apex Court in **case of 'Ram Kumar vs. Union of India reported** as "**1991(2) SCC 247**". Relevant paragraph No.6 thereof is extracted hereunder:-

"6. In order to appreciate the controversy we would like to Secs. 18 & 19 of the Act which are reproduced as under: Sec. 18. Reference to Court:

(1) Any person interested who has not accepted the award may by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court, whether his objection to the measurement of the land, the amount of the compensation, the persons to whom it is payable or the apportionment of the compensation among the persons interested.



(2) *The application shall state the grounds on which objection to the award is taken:*

Provided that every such application shall be made,-

- (a) *if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;*
- (b) *in other cases, within six weeks of the receipt of the notice from the Collector under Sec. 12, sub-section (2), or within six months from the date of the Collector's award, whichever period shall first expire.*

Sec. 19 Collector's statement to the Court-

(1) *In making the reference, the Collector shall state for the information of the Court, in writing under his hand,-*

- (a) *the situation and extent of the land, with particulars of any trees, buildings or standing crops thereon;*
- (b) *the names of the persons whom he has reason to think interested in such land,*
- (c) *the amount awarded for damages and paid or tendered under section 5 and 17, or either of them, and the amount of compensation awarded under section 11;and*
- (d) *if the objection be to the amount of the compensation, grounds on which the amount of compensation was determined.*

(2) *To the said statement shall be attached a schedule giving the particulars of the notices served upon, and of the statements in writing made or delivered by the parties interested respectively."*

Under Sec. 18 of the Act the only requirement for the person interested who had not accepted the award was to move a written application to the Collector requiring that the matter be referred for the determination of the Court. One of the grounds for the accepting the award was the amount of compensation. Once such application was moved it was the duty of the Collector to make a reference to the Court. Under Sec. 19 of the Act while making the reference the Collector was required to state for the information of the Court the particulars as mentioned in clauses (a) to (d) of sub-Sec. (1) of Sec. 19 of the Act. Thus it was the duty of the Collector to mention not only the situation and extent of land but even particulars of any trees, buildings or standing crops thereon. The agriculturist whose land is acquired may not be fully conversant with the khasra No. or area as



entered in the Revenue records and the Union of India or the State acquiring such land should not be allowed to take any advantage of such ignorance of the agriculturists. Once an application is moved for making a reference under Sec. 18 of the Act it becomes the duty of the Collector to send full information to the Court regarding the entire land acquired and it is thereafter the duty of the Court to decide the matter in accordance with law.”

[7]. As such in the given facts, the learned Reference Court failed to appreciate the prayer made on behalf of the petitioner-landowner in its proper perspective, therefore, the reasons recorded by the learned Reference Court in the impugned order dated 22.08.2009 being unsustainable in law, the same is hereby set aside. The present revision petition is allowed, thereby allowing the prayer made on behalf of the petitioner-landowner in terms of Section 151-153 of CPC. Resultantly, the petitioner-landowner shall be entitled for award of enhanced amount of compensation for the following parcel of land as well:-

“1/3rd share of Killa Nos.21/16/2 (1-16) and 25/1 (3-7) forming part of the revenue estate of village Sultanpur, Hadbast No.80, Tehsil and District Sonipat”.

[8]. Pending application(s), if any shall also stand disposed of.

December 11, 2025

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**(HARKESH MANUJA)
JUDGE**

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