



LPA-267-2020 (O&M)

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222 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1) LPA-267-2020 (O&M)
Date of decision: 27.11.2025

THE HARYANA STATE INDUSTRIA
DEVELOPMENT CORPORATION LTD. ...APPELLANT

VERSUS

SHANTI DEVI AND ORS. ...RESPONDENTS

2) LPA-711-2021 (O&M)

THE HARYANA STATE INDUSTRIAL
AND INFRASTRUCTURE AND DEVELOPMENT
CORPORATION LTD. ...APPELLANT

VERSUS

KAUSHALIYA DEVI AND ORS. ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Pritam Singh Saini, Advocate and
Ms. Parul Saini, Advocate for the appellant.

Mr. Rahul Jaswal, Advocate for respondents No.1 to 8.

HARSIMRAN SINGH SETHI, J. (ORAL)
CM-728-LPA-2020

This is an application under Section 5 of Limitation Act, 1963 for condonation of delay of 30 days in filing the present Letters Patent Appeal.

For the reasons mentioned in the application, the same is allowed and a delay of 30 days in filing the present Letters Patent Appeal is condoned.

Main case

1. In the present appeal, challenge is to the order dated 21.11.2019 passed by the learned Single Judge vide which, the order dated 30.01.2015 (Annexure P-3) passed by the learned Land Acquisition Collector, Jhajjar under Section 28-A of the Land Acquisition Act, 1894 has been modified so as to grant the compensation @ Rs.32,62,500/- per acre, as granted to the similarly situated land owner by the Hon'ble Supreme Court of India.

Learned counsel for the appellant submits that the order passed by

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the Land Acquisition Collector, Jhajjar dated 30.01.2015, by which an application filed by the respondents under Section 28-A of the Land Acquisition Act, 1894 was disposed of, could not have been modified under any circumstance. Learned counsel further submits that once an application was filed under Section 28-A, and at the said point of time, the claim of the other land owners qua the same acquisition was pending consideration before this Court, wherein the compensation was further increased in this appeal, though reduced by the Hon'ble Supreme Court of India to be Rs.32,62,500/- but the said compensation could not have been granted by this Court. Rather the claim ought to have been reverted back to the learned Collector for fresh adjudication. Learned counsel for the appellant further submits that by modifying the order and re-determining compensation under Section 28-A, this Court has exceeded its jurisdiction.

3. Learned counsel for the respondents submits that the similar issue was raised in ***CWP No. 3805 of 2018*** titled as ***Sunder Lal and others Vs State of Haryana and others***, decided on 14.03.2019, which judgment has also been relied by the learned Single Judge while granting the benefit, wherein it has been held that although, a successive application under Section 28-A could not be filed, once an application under Section 28-A had already been filed, and it was within the knowledge of the authority that the other land owners had approached this Court for enhancement of the compensation, *status quo* qua the said application should have been maintained until the claim of co-land owners' attained finality. Learned counsel further submits that in the said judgment reliance was placed upon the decision of of the Hon'ble Supreme Court of India in ***Bharatsing Versus The State of Maharashtra and others***

(2018) 11 SCC 92, wherein under similar circumstances, despite decision of an



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application under Section 28-A by the learned Collector, the matter was remanded for fresh adjudication. In the present case, the learned Single Judge exercised jurisdiction to grant the benefit compensation finalized by the Hon'ble Supreme Court of India instead of remanding the matter, which was well within the jurisdiction of learned Single Judge.

4. We have heard learned counsel for the parties and have gone through the record with their assistance.

5. The only issue which arises for determination in the present petition is whether, in an application filed by respondents for enhancement of compensation under Section 28-A of the Land Acquisition Act, which was decided, despite noticing that the other land owners of the same acquisition had already approached this Court for enhancement of the compensation and their claims were pending adjudication, the Land Acquisition Collector should have maintained *status quo* qua the said application or not.

6. It may be noticed that, as per the order passed by the learned Single Judge, the compensation was initially awarded @ Rs.14,24,996/- per acre by the learned Collector which was ultimately enhanced by this Court to Rs.42,62,625/- vide order dated 12.02.2016 passed in **RFA-564-2014** titled as ***Mahavir and others Versus State of Haryana and another*** but the Hon'ble Supreme Court of India in SLP (C) No. 16063 of 2016 titled ***Jag Mahender and another Versus State of Haryana and others*** decided on 21.09.2017, reduced the said compensation to Rs.32,62,500/-. During the pendency of the said proceedings raised by the other co-land owners of the same acquisition, the application filed by the respondents under Section 28-A of the Act for enhancement of their compensation was allowed in terms of the order passed



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Hon'ble Supreme Court of India, wherein the ultimate compensation granted to a land owner was @ Rs.32,62,500/- per acre. The learned Single Judge extended the same benefit as extended to the other land owners of the same acquisition, as finalized by the Hon'ble Supreme Court of India to the respondents herein rather than remanding the case to the learned Land Acquisition Collector, as per the judgment of the Hon'ble Supreme Court of India in **Bharatsing's case (supra)**. It may further be noticed that the Hon'ble Supreme Court of India in **Bharatsing's case (supra)** held as under:-

*"17. The Section 28A application dated 31.12.1992 based on the awards in LAR Nos. 123 and 129 of 1983 was decided on 25.10.2000 when the appeals therefrom were pending. The Collector ought to have kept the application pending till the appeals were decided on 23.3.2009. On principle, the High Court is correct and justified in the view taken in the impugned judgment that there cannot be successive applications under Section 28A in view of **Pradeep Kumari (supra)**. But that is not the point arising for consideration here. No doubt, the second application dated 27.5.2009 for refixation in light of the appellate Court judgment is not maintainable. However, since the Collector is also at fault in deciding the application when the matter was pending in appeal, we are of the view that in the peculiar facts of the instant case, the application dated 31.12.1992 should be considered afresh. Accordingly, the appeal is disposed of as follows. The Land Acquisition Collector is directed to consider afresh the Section 28A application dated 31.12.1992 and pass orders in the light of the judgment of the High Court dated 23.3.2009 in First Appeal Nos. 569 and 570 of 1997 on the file of the High Court of Bombay, Bench at Aurangabad. For enabling the Collector to pass orders as above, the order dated 25.10.2000 is set aside. However, the amounts already paid are to be duly adjusted.*

*The Apex Court in' **Narendra and others v. State of UP and others, (2017) 9 SCC 426**' has held that the land owners are entitled for the equal amount of compensation.*

The relevant portion reads as under:

8. The purpose and objective behind the aforesaid provision is salutary in nature. It is kept in mind that those landowners who are agriculturist in most of the cases, and whose land is acquired for public purpose should get fair compensation. Once a particular rate of compensation is



judicially determined, which becomes a fair compensation, benefit thereof is to be given even to those who could not approach the court. It is with this aim the aforesaid provision is incorporated by the legislature. Once we keep the aforesaid purpose in mind the mere fact that the compensation which was claimed by some of the villagers was at lesser rate than the compensation which is ultimately determined to be fair compensation, should not be a ground to deny such persons appropriate and fair compensation on the ground that they claimed compensation at a lesser rate. In such cases, strict rule of pleadings are not be made applicable and rendering substantial justice to the parties has to be the paramount consideration. It is to be kept in mind that in the matter of compulsory acquisition of lands by the Government, the villagers whose land gets acquired are not willing parties. It was not their voluntary act to sell off their land. They were compelled to give the land to the State for public purpose. For this purpose, the consideration which is to be paid to them is also not of their choice. On the contrary, as per the scheme of the Act, the rate at which compensation should be paid to the persons divested of their land is determined by the Land Acquisition Collector. The Scheme further provides that his determination is subject to judicial scrutiny in the form of reference to the District Judge and appeal to the High Court, etc. In order to ensure that the landowners are given proper compensation, the Act provides for "fair compensation". Once, such a fair compensation is determined judicially, all landowners whose land was taken away by the same notification should become the beneficiary thereof. Not only it is an aspect of good governance, failing to do so would also amount to discrimination by giving different treatment to the persons though identically situated. On technical grounds, like the one adopted by the High Court in the impugned judgment, this fair treatment cannot be denied to them.

9. No doubt the judicial system that prevails is based on adversarial form of adjudication. At the same time, recognising the demerits and limitations of adversarial litigation, elements of social context adjudication are brought into the decision-making process, particularly when it comes to administering justice to the marginalised section of the society.

Merely because there is an alternative remedy as such would not stand in the way of the petitioners, as it is settled principle that the writ Court can exercise its jurisdiction where it feels appropriate to reach out and grant the benefit of relief. It would be a futile exercise to refer the matter to the reference Court, which would be bound by the order of the Apex

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Court and to curtail unnecessary litigation and delay, the petitioner can be granted the same amount as the litigation qua the fixation of market value has been fixed. Accordingly, no ground is made out to send the matter to the reference Court, the prayer of the State to that extent stands declined.

In such circumstances, the order, as such, of respondent No.2 cannot be held to be justified. Accordingly, the same is quashed. The petitioners are, accordingly, entitled for the same amount of compensation as has been awarded by the Apex Court.

Petitions stand allowed.

Photocopy of this order be placed on the files of the connected appeals."

7. A bare perusal of the above reproduction would show that the Hon'ble Supreme Court of India held that the Collector was at fault in deciding the application filed under Section 28-A of the Act when the matter was pending in an appeal filed by the other land owners of same acquisition, and keeping in view the said facts, direction was given to the Collector to decide the issue with regard to the claim under Section 28-A of the Land Acquisition Act afresh after the proceedings qua the other land owners of the same acquisition had attained finality. The only difference in the present petition is that the learned Single Judge, instead of remanding the case to the Collector for reconsideration of the application under Section 28-A proceeded to extend the same benefit as awarded to the other land owners of compensation at the rate of Rs.32,62,500/- per acre which has attained finality upto the Hon'ble Supreme Court of India, since there was no other viable option and in order to prevent further delay.

8. Further, the learned Single Judge merely followed the decision of the Co-ordinate Bench of this Court passed in **CWP-3805-2018** titled as ***Sunder Lal Versus State of Haryana***. Once the other land owners had already been granted compensation of Rs.32,62,500/- per acre which compensation was

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finally assessed by the Hon'ble Supreme Court of India qua other land owners of the same acquisitions, denying the same benefit to the respondents on technicalities such as the contention that the learned Single Judge should have remanded the case to the Land Acquisition Collector to decide afresh, cannot be justified, so as to defeat the legitimate claim of a land owner, who stands on the same footing as other similarly situated land owner forming part of the same acquisition, in whose case the Hon'ble Supreme Court of India has already fixed the compensation @ Rs. 32,62,500/- per acre.

9. Keeping in view the totality of the facts and circumstances, the order passed by the learned Single Judge was within jurisdiction so as to decide whether to grant the same compensation to the respondents as granted by the Hon'ble Supreme Court of India or to remand the matter to the Land Acquisition Collector for reconsideration of the respondents application filed under Section 28-A of the Land Acquisition Act afresh in terms of order passed by the Hon'ble Supreme Court of India.

10. Keeping in view the above, no ground is made out to call any interference in the order passed by the learned Single Judge dated 21.11.2019, hence, the present appeals, are hereby, dismissed.

[HARSIMRAN SINGH SETHI]
JUDGE

[VIKAS SURI]
JUDGE

27.11.2025
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No