



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Civil Writ Petition No. 7313 of 2024 (O&M)
Date of Decision: 15.09.2025

Suresh Kumar and another
..... Petitioners

Versus

State of Haryana and others
..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Divyam Singh, Advocate
for the petitioners.

Ms. Komal Sharma, Deputy Advocate General, Haryana
for the respondents.

HARKESH MANUJA, J. (ORAL)

The petitioners-landowners, by way of present writ petition, seek setting aside of an order dated 02.08.2023 (Annexure P-5) passed by respondent No. 2-Land Acquisition Collector-cum-District Revenue Officer, Jind (**for short “LAC”**), whereby their application under Section 28-A of the Land Acquisition Act, 1894 (**for short “the Act”**) was dismissed being time barred.

[2] Briefly stating, in pursuance of Haryana Govt. Notification under Section 4 of the Act issued on 20.01.2009, followed by Notification dated 17.07.2009 under Section 6 thereof, certain land of the petitioners, situated within the revenue estate of Village Muwana, Tehsil Safidon, District Jind, was acquired for public purpose, namely, “for construction of Khanda Minor from RD 0 to 38400 tail (0 to 2018 and 381218 to 38400 tail) off taking at RD 3940-R Distributory”. The LAC, vide Award No. 24 dated 25.02.2010, assessed the market value of the acquired land @ Rs.8,00,000/-

per acre.

[3] Dissatisfied with the aforesaid Award, some other landowners/ interested persons, filed objections under Section 18 of the Act, which were decided by Reference Court vide Award dated 23.11.2015 (Annexure P-1) whereby the market value was enhanced / assessed @ Rs.10,00,000/- per acre besides other statutory benefits.

[4] Aggrieved thereof, those landowners preferred Regular First Appeal(s) before this Court, which are lying admitted, pending for final adjudication. In the meanwhile, the petitioners approached the LAC– respondent No. 2 vide application dated 02.09.2021 (Annexure P-3) having invoked Section 28-A of the Act, however, the same was dismissed vide order dated 02.08.2023 (Annexure P-5) passed by respondent No. 2, while recording that their application was barred by limitation.

[5] Impugning the aforesaid order dated 02.08.2023, learned counsel for the petitioners submits that in view of the latest exposition of law rendered by the Hon'ble Apex Court in ***Civil Appeal No. 13348 of 2024, titled "Banwari and others Versus Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) and another***", decided on 10.12.2024, (reported as 2024 INSC 951), the landowners are entitled to invoke Section 28-A of the Act even on the basis of decision rendered by this Court in Regular First Appeal and thus, the reference petition under Section 28-A of the Act could not have been declined as the appeal arising out of the Award dated 23.11.2015 on the reference petition(s) preferred at the instance of landowners were still pending adjudication before this Court. Learned counsel also submits that in the given facts, the petitioners may be permitted to withdraw their reference under Section 28-A

of the Act instituted on 02.09.2021 with liberty to approach the LAC again after final adjudication of the Regular First Appeal preferred at the instance of other landowners, which are pending consideration before this Court.

[6] On the other hand, learned State Counsel submits that once, the application under Section 28-A of the Act preferred at the instance of petitioners-landowners was clearly beyond the statutory period of ninety days, the same was rightly declined by respondent No. 2 and thus, the impugned order warrants no interference.

[7] After hearing learned counsel for the parties and having gone through the paper-book, I find substance in the submission(s) made on behalf of the petitioners.

[8] In the facts and circumstances of the present case, once the Regular First Appeal(s) arising out of the Award dated 23.11.2015 passed in the reference petition(s) preferred at the instance of other landowners, are pending adjudication and the petitioners are permitted to invoke Section 28-A of the Act even on the basis of decision rendered by this Court in Regular First Appeal as per law laid down by the Hon'ble Apex Court in ***Banwari's case (supra)***, it would be wholly unjustified in case the impugned order is allowed to stand, whereby the earlier reference petition filed under Section 28-A of the Act was dismissed being delayed. Relevant paras-15 & 16 of the ***Banwari's case (supra)*** are extracted hereunder:-

“ 15. In the present case, it is not in dispute that the First Appeal which was allowed by the High Court vide judgment and order dated 2nd May 2016 was in respect of the land which was covered by the same notification under which notification the appellants' land is also covered. It is also not in dispute that the amount awarded by the High Court in the said First

Appeal is in excess of the amount awarded by the Collector under Section 11 of the 1894 Act in the case of the land of the appellants. It is also not in dispute that the appellants had not made an application to the Collector under Section 18 of the 1894 Act. It is also not in dispute that the application made by the appellants under Section 28-A of the 1894 Act to the Collector was within a period of three months from the date of the judgment and order of the High Court.

- 16.** *From the perusal of the judgment of this Court in the case of Pradeep Kumari and Others (supra), it is clear that the limitation for moving the application under Section 28-A of the 1894 Act will begin to run only from the date of the award on the basis of which redetermination of the compensation is sought. The appellants are seeking redetermination of the compensation on the basis of the judgment and order of the High Court in First Appeal No.429 of 2023 dated 2nd May 2016. It is not disputed that the application of the appellants under Section 28-A of the 1894 Act is within a period of three months from 2nd May 2016.”*

[9] In view of the above, once, the petitioners can be permitted to prefer application under Section 28-A of the Act on the basis of judgment passed by this Court in RFA, the petitioners are permitted to withdraw their previous reference petition preferred on 02.09.2021 (Annexure P-3) with liberty to invoke Section 28-A of the Act again after adjudication of the Regular First Appeal(s) pending before this Court against Award dated 23.11.2015 within three months from the date of order. In view of the fact that the petitioners have withdrawn application dated 02.09.2021 filed under Section 28-A of the Act, the impugned order dated passed by respondent

No.2 would not affect the rights of petitioners in any fresh petition filed by them.

[10] **Disposed off** accordingly.

[11] Pending miscellaneous application(s), if any, shall also stand disposed off.

September 15, 2025
'dk kamra'

(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>