

2025:PHHC:156803



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

**CWP-5259-2019 (O&M)
Decided on:-12.11.2025**

Haryana State Industrial and Infrastructure Development
Corporation (HSIIDC)

....Petitioner..

vs.

Baljit Singh and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.Sudeep Mahajan, Senior Advocate with
Ms. Saachi Mahajan, Advocate and
Mr. Shiv Charanjit, Advocate,
for the petitioner.

Mr. P.R. Yadav, Advocate for respondents No.3 to 6.

Ms. Komal Sharma, DAG, Haryana.

HARKESH MANUJA J. (Oral)

1. By way of present writ petition, challenge has been laid to an order dated 18.10.2016 (Annexure P-1), passed by the District Revenue Officer-cum-Land Acquisition Collector, Gurugram.

2. Briefly stating, some land owned by respondents-landowners, situated in the revenue estate of village Patli Hazipur, Tehsil Farrukhnagar, District Gurugram, came to be acquired vide notifications dated 11.01.2005 and 31.05.2005, issued under Sections 4 and 6 respectively of the Land Acquisition Act, 1894 (for short, "1894 Act"). The Land Acquisition

Collector had passed the award under Section 11 of the 1894 Act on

10.05.2006, whereby, the market value was assessed @ Rs.12,50,000/- per acre.

2.1 Aggrieved thereof, some of the landowners preferred reference petition(s) under Section 18 of the 1894 Act, which came to be decided on 27.02.2012 and the market value was enhanced to Rs.43,17,841/- per acre. The said assessment was revisited by this Court while deciding Regular First Appeals preferred at the instance of those other landowners vide its decision dated 05.02.2016 to Rs.62,11,700/-. Later, the Hon'ble Apex Court vide its decision dated 25.01.2018, set aside the above enhancement and remanded the matter back to the learned Reference Court for its fresh adjudication.

2.3 Upon remand, the learned Reference Court vide its award dated 22.10.2019 upheld the award passed by the Land Acquisition Collector, thereby, affirming the market value of Rs.12,50,000/- per acre.

3. Upon appeal by the landowners, this Court, later vide its decision dated 17.11.2021 passed in RFA-813-2021 (along with connected cases) re-assessed the market value to the tune of Rs.14,52,010/- per acre. It has been brought to the notice of this Court that against the aforementioned decision, the matters are pending before the Hon'ble Apex Court for final adjudication.

3.1 In the meanwhile, in a separate but related development, the respondents-landowners, who had earlier failed to prefer reference under Section 18 of the 1894 Act, invoked Section 28-A thereof while relying upon the Reference Court award passed on 27.02.2012. Thereupon, the Land Acquisition Collector vide its decision dated 18.10.2016 accepted the prayer made on behalf of the respondents-landowners while awarding them the similar benefits of Rs.43,17,841/- per acre as market value.

4. At this stage, it has been argued by the learned senior counsel representing the petitioner that once the Reference Court award dated 27.02.2012 already stands superseded by the later decision dated 17.11.2021 passed by this Court in RFA-813-2021, the award dated 18.10.2016 passed by the Land Acquisition Collector in exercise of its power under Section 28-A of the 1894 Act, needs to be set aside/modified, accordingly.

5. On the other hand, learned counsel representing the respondents-landowners has not been able to controvert the afore-stated factual aspect.

6. I have heard learned counsel for the parties and gone through the paper book.

7. Once, the award dated 27.02.2012 relied upon by the Land Acquisition Collector at the time of determining the application preferred at the instance of respondents-landowners having invoked Section 28-A of the 1894 Act stands modified/alterd in terms of later decision dated 17.11.2021 passed by this Court in RFA-813-2021 and the market value stands re-assessed at Rs.14,52,010/-, the award/decision dated 18.10.2016 passed by the Land Acquisition Collector needs to be modified.

8. Accordingly, in the wake of above, the award dated 18.10.2016 passed by the Land Acquisition Collector is set aside/modified to the extent that the respondents-landowners shall be entitled for the release of benefit of market value @ Rs.14,52,010/- per acre. The aforesaid benefit shall however, be a part of interim relief to the respondents-landowners and the same be released to them within two months from today along with all other statutory benefits and interest payable thereupon including interest on solatium, especially, when it has been brought to the notice of this Court that

no special leave to appeal has been preferred at the instance of HSIIDC.

8.1 However, as the matter about final adjudication upon the issue of market value is subjudice before the Hon’ble Apex Court, the Land Acquisition Collector shall keep the application under Section 28-A of the 1894 preferred at the instance of respondents-landowners pending; awaiting the final outcome of those appeals and decide the same within two months thereafter, after affording an opportunity to the respondents-landowners.

9. In view of the above, the present petition stands disposed of.

10. Pending applications, if any, also stand disposed of.

12.11.2025
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(HARKESH MANUJA)
JUDGE

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