

2025:PHHC:157632



RFA No.2524 of 1998 (O&M)

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

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RFA No.2524 of 1998 (O&M)
Date of Decision: 13.11.2025

ZILE SINGH

.....Appellant

Vs

STATE OF HARYANA AND ANR.

...Respondent(s)

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

Present: Mr. Karan Bhardwaj, Advocate with
Mr. Ishaan, Advocate
for the appellant/landowner.

Mr. Abhinash Jain, D.A.G., Haryana.

HARKESH MANUJA, J. (Oral)

[1]. By way of present appeal, challenge has been laid to the Award dated 15.05.1998 passed by the learned Addl. District Judge, Sonipat (hereinafter to be referred as the 'Reference Court'), whereby Reference Petition filed under Section 18 of the Land Acquisition Act, 1894 (for short 'the 1894 Act') at the instance of the appellant-landowner was dismissed being barred by limitation.

[2]. Briefly stating, some land owned by the appellant/landowner situated within the revenue estate of village Garhi Brahman, Tehsil and District Sonipat, came to be acquired vide Notifications dated 16.12.1988 and 13.12.1989 issued under Sections 4 & 6 of the 1894 Act respectively for the public purpose namely for the development and utilization of land as Residential and Commercial area in Sector 23 Sonipat. An Award was passed by the Land Acquisition Collector, Urban Estates, Haryana, Gurgaon (now Gurugram) Camp at Sonipat (for short 'the LAC') in exercise of powers under Section 11 of the 1894 Act on 28.03.1990



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thereby determining the market value of the acquired land @ Rs.1,00,000/- per acre besides award of other statutory benefits/interest under the 1894 Act.

[3]. Dis-satisfied with the Award passed by the Land Acquisition Collector, the appellant-landowner invoked Reference under Section 18 of the 1894 Act, which came to dismissed being barred by limitation by the learned Reference Court vide the impugned Award dated 15.05.1998 while recording that the Award under Section 11 of the 1894 Act was passed on 28.03.1990, whereas the Reference Petition was preferred on 12.04.1996. Aggrieved thereof, the present appeal was preferred at the instance of landowner.

[4]. Impugning the aforesaid Award, learned counsel for the appellant/landowner submits that though as per the records the Award under Section 11 of the 1894 Act was passed on 28.03.1990, however the appellant/landowner was never served with any notice as contemplated under Section 12(2) of the 1894 Act. He also submits that neither the appellant nor any of his representative was present at the time of passing of the Award by the LAC. He also points out that the appellant came to know about the Award dated 28.03.1990 passed by the LAC only on receipt of compensation in terms of cheque No.94112425 dated 06.03.1996 and, thus the Reference Petition preferred at the instance of the appellant on 12.04.1996 was within the statutory period of limitation. Accordingly, learned counsel emphasizes that the impugned Award was liable to be set aside and the appellant was required to be awarded similar amount of compensation as has been granted to other identically placed landowners in terms of the present acquisition proceedings.

[5]. On the other hand, learned State counsel submits that a well-reasoned and justified Award has been passed by the learned Reference Court upon



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appreciation of the pleadings and the evidence available on record which, thus calls for no interference. Learned State counsel further points out that the Award in the present case was passed by the LAC on 28.03.1990 whereas the Reference Petition was filed on 12.04.1996 and, thus the same was apparently barred by limitation and as such prays for dismissal of the present appeal.

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

[7]. Admittedly, in the present case the Award under Section 11 of the 1894 Act was passed by the Land Acquisition Collector on 28.03.1990, however perusal of the entire record shows that no notice as contemplated under Section 12(2) of the 1894 Act about passing of the Award was ever served upon the appellant/landowner. Even in the written statement dated 17.03.1997 filed by the Land Acquisition Collector, Urban Estates, Haryana, Faridabad, it has nowhere been averred that either the appellant/landowner or any of his representative was present at the time of passing of the Award or any notice under Section 12(2) of the 1894 Act regarding passing of the Award along with copy thereof was ever served upon the appellant.

[8]. In the absence of any such pleadings by the respondents in their written statement or any evidence been led on their behalf, it was wholly uncalled for on the part of the learned Reference Court to have dismissed the Reference Petition preferred at the instance of the appellant/landowner being barred by time. Furthermore, in the given facts, the only knowledge about passing of the Award or contents thereof was attributable to the appellant/landowner upon receipt of the amount of compensation vide cheque No.94112425 dated 06.03.1996 and thus, the



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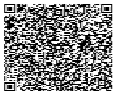
reference filed under Section 18 of the 1894 Act for seeking re-determination of the compensation amount on 12.04.1996 was within the period of limitation in terms of Section 18(2)(b) of the 1894 Act.

[9]. In addition, it may be noticed here that the market value with respect to the acquisition in hand which commenced vide Notification dated 16.12.1988 pertaining to the same revenue estate of village Garhi Brahmnan, Tehsil and District Sonipat stands finally assessed @ Rs.77/- per square yard by this Court in RFA No.662 of 1996 titled 'Prithi Singh & Another. Vs. State of Haryana & Another.' vide its decision dated 30.05.2008. Relevant portion from the aforementioned judgment is extracted hereunder:-

“Considering the totality of facts and circumstances viz location of land, the civic and other facilities, roads, electricity etc. which are available nearly, I am of the categoric opinion that after taking the average price of the sale instances i.e. Rs.115/- per square yard, a cut of 1/3^d ought to be applied so as to assess the market value of the land. The value of land accordingly comes to Rs.77/- per square yard approximately.

The appeals are accordingly allowed. The market value is assessed at Rs.77/- per square yard. The claimants shall also be entitled to all the statutory benefits.”

[10]. Accordingly, based thereupon; applying the principle of parity and for grant of just and fair compensation to the appellant-landowner, the impugned Award dated 15.05.1998 passed by the learned Reference Court is set aside and the present appeal is partly allowed in terms of the aforementioned decision i.e. Prithi Singh & Another. Vs. State of Haryana & Another' (supra). The appellant/landowner is thus held entitled for similar amount of market value @ Rs.77/- per square yard. In addition, the landowner shall also be entitled for award of all other statutory benefits and interest as provided under the provisions of the



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1894 Act (amended upto to date). The landowner shall also be entitled for solatium @ 30% besides award of interest thereupon as well.

[11]. Further, in case the landowner has unfortunately expired in the appeal(s)/cross-objection(s) after filing thereof and the legal heirs have not been impleaded, they shall be at liberty to seek execution of the present decision by moving appropriate application(s) before the learned Executing Court.

[12]. All pending application(s), if any, shall also stand disposed of.

November 13, 2025
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(HARKESH MANUJA)
JUDGE

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