

**CWP-8819-2024****1****138+287 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CWP-8819-2024****Date of decision: 29.08.2025****Haryana State Industrial & Infra. Dev. Corp. Ltd****.....Petitioner****Versus****Raj Kumar and Ors.****.....Respondents****CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Pritam Singh Saini, Advocate for the petitioner.
Mr. Bhim Singh, Advocate for respondent No.1.

HARKESH MANUJA, J (ORAL)

By way of filing present writ petition, challenge has been laid to an order dated 17.03.2023 passed by the District Revenue Officer-cum-Land Acquisition Collector, Gurugram (hereinafter to be referred as “the Collector”) upon an application preferred under Section 28-A of the Land Acquisition Act, 1894 (hereinafter to be referred as “1894 Act”) at the instance of the respondents-land owners.

2. Acquisition in the present case commenced vide Notification dated 15.11.2002 issued under Section 4 of 1894 Act followed by Notification dated 12.11.2003 issued under Section 6 thereof. An award under Section 11 was announced on 18.11.2005 awarding compensation @ Rs.15,00,000/- per acre. On reference preferred at the instance of few other land owners, compensation was enhanced @ Rs.57,80,000/- per acre vide award dated 03.08.2022. Based thereupon, the respondents preferred an application under Section 28-A of 1894 Act, which was received in the office of the concerned Collector on 02.09.2022 and the same was decided vide order dated 17.03.2023 (Annexure P.3) granting similar benefit of compensation to the tune of Rs.57,80,000/- per acre in favour of the respondents against their acquired land.



Aggrieved against order dated 17.03.2023 passed by the Collector, Gurugram, present writ petition has been preferred.

3. The sole contention raised on behalf of the petitioner is that the very reference under Section 18 of 1894 Act, which was decided on 03.08.2022 and relied upon by the respondents for the purpose of seeking similar benefit by invoking Section 28-A of 1894 Act itself was barred by limitation and thus the said award dated 03.08.2022 could not have been relied upon by the Collector, Gurugram for granting similar benefit in favour of the respondents-land owners qua the quantum of compensation.

4. On the other hand, learned counsel for the respondents-land owners submits that Reference Petition No.LAC 974-2016 resulting into an award dated 03.08.2022 under Section 18 of 1894 Act which was relied upon by the respondents for the purposes of invoking reference under Section 28-A was perfectly within limitation and the said issue was even adjudicated upon by the learned Reference Court in favour of the land owners therein at the time of adjudication of the reference on 03.08.2022. Further the plea of limitation been raised at the instance of the petitioner even in RFA No.1522-2023 against the same very award dated 03.08.2022 was rejected by this Court vide order dated 07.08.2024 and, thus any such plea set up by the petitioner in the present petition was not made out.

5. I have heard learned counsel for the parties and gone through the paper book with their able assistance.

6. The sole plea raised by learned counsel for the petitioners that the Reference Petition No.LAC-974-2016 which culminated into the award dated 03.08.2022 and was relied upon by the land owners for the purposes of drawing the similar benefit under Section 28-A of 1894 Act being barred by limitation stands rejected by the Ld. Reference Court in its award dated 03.08.2022 itself as



well as by this Court vide its order dated 07.08.2024 passed in CM-1080-CI-2024 and CM-1517-CI-2024 in RFA No.1522-2023. The operative portion of the order dated 07.08.2024 is reproduced here under:-

“Although learned counsel for the applicant has submitted that the contesting respondent-land owners had the knowledge of the Award because they had appeared at the stage of notice under Section 9 of the Act, however, this argument cannot be accepted by the Court for the simple reason that Section 12 of the Act prescribes as to when the date shall be final and also the requirement of service of specific notice upon the land owner. Therefore, the knowledge of the award cannot be attributed to the contesting respondents by taking the events back to the date prior to Section 12 of the Act. So far as the judgments, as relied upon by the counsel for the applicant, are concerned, suffice it to say that the same are prior in time than the judgments relied upon by the counsel for respondents No.1 and 2, and relate to interaction between Sections 12 and 18 of the Act. Therefore, the said judgments are of no help to learned counsel for the applicant.”

7. In view of the aforesaid once the reference petition No.LAC-974-2016 has been held to be within limitation even by this Court and the said order has attained finally, the petitioner can not be permitted to re-agitate the same issue in the present writ petition. As such the present writ petition being devoid of merits is thus dismissed.

8. Pending applications if any stand disposed of.

(HARKESH MANUJA)
JUDGE

29.08.2025

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1. Whether speaking/ reasoned :	Yes /No
2. Whether reportable :	Yes /No