



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

127

CWP-10869-2023

Date of decision: 29.08.2025

Indra

.....*Petitioner**Versus*

State of Haryana and Ors.

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

Present: Mr. Ram Bilas Gupta, Advocate for the petitioner.
Mr. Abhinash Jain, DAG, Haryana.
Mr. Pritam Saini, Advocate for respondent No.2.

HARKESH MANUJA, J (ORAL)

By way of filing present petition, a writ of mandamus has been prayed for directing respondent Nos.1 & 2 for release of compensation in favour of the petitioner-land owner, as per judgment dated 14.07.2021 (Annexure P.5) passed by the Hon'ble Apex Court reported as **Banwari Lal and another vs. The State of Haryana and Ors, (2021) 3 RCR (Civil) 843**, decided on 14.07.2021, especially in accordance with the terms set out by respondent No.3-Land Acquisition Collector, Urban Estate, Haryana (hereafter to be referred as "the Collector") vide its award dated 28.10.2016.

2. Briefly stated, the land owned by the petitioner, situated within the revenue estate of Baselwa, Tehsil and District Faridabad was acquired vide Notification dated 14.08.2008 issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter to be referred as "1894 Act") followed by Notification dated 30.08.2008 issued under Section 6 thereof. An award under Section 11 dated 27.08.2010 was passed by the Collector. Being aggrieved, certain other land



owners preferred reference under Section 18 of 1894 Act whereby compensation was re-assessed @ Rs.2000/- per sq yards vide award dated 04.01.2016 passed by the learned Additional District Judge, Faridabad.

3. Petitioner being the land owner relating to the same acquisition proceedings preferred reference under Section 28-A of 1894 Act. During its pendency, other land owners, who had earlier preferred reference under Section 18 of 1894 Act wherein compensation was re-assessed @ Rs.2000/- per sq yards vide award dated 04.01.2016, assailed the same. While such appeal were pending, the Land Acquisition Collector, Urban Estate, Faridabad vide its award dated 28.10.2016 disposed of the application filed under Section 28-A of 1894 Act by the petitioner having granted her the benefit of similar compensation i.e Rs.2000/- per sq yards having noticed the decision dated 16.09.2015 passed by this Court in the Regular First Appeals preferred at the instance of other land owners whereby though the award passed by the learned Reference Court was maintained yet the adjudicatory proceedings in terms thereof were still sub-judicie.

4. In the present writ petition, it has been prayed that as an outcome of the pending adjudicatory process, the compensation now stands finally re-assessed by Hon'ble Apex Court vide its decision dated 14.07.2021 passed in **Banwari Lal and another vs. The State of Haryana and Ors, (2021) 3 RCR (Civil) 843**, whereby the market value of the lands situated in Village Baselwa is assessed @ Rs.3704/- per sq. yd, as such the petitioner was also entitled for the same benefit as awarded to the other land owners relating to the same acquisition proceedings and thus the award dated 28.10.2016 passed by respondent No.3 was liable to be modified.

5. On the other hand, prayer made on behalf of the petitioner has been opposed at the instance of learned counsel representing respondent No.2 by



submitting that the benefits under the award dated 28.10.2016 passed by the Collector already stood released in favour of the petitioner-land owners although, after filing of the present writ petition and if at all the petitioner was aggrieved on the point of quantum of compensation, the remedy available to her was of invoking Section 28-A(3) of 1894 Act to seek reference by making an application before the learned Collector.

Mr. Pritam Saini, learned counsel representing respondent No.2 thus submits that in the wake of specific alternative remedy being available to the petitioner, the present writ petition being devoid of merit was thus liable to be dismissed.

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

7. In the present case, undisputedly, the petitioner never ever preferred any reference under Section 18 of 1894 Act and only claimed the benefit under Section 28-A thereof. The learned Collector vide its award dated 28.10.2016 allowed her application with the following observations:

“Hence, I accept the arguments advanced by the Ld. Counsel as well as Ld. DDA, HUDA and allow the present application on the following conditions:

- 1. That the petitioner shall be entitled to the amount of compensation @ Rs.2000/- per sq. yard along with all statutory benefits under the provisions of Land Acquisition Act. The petitioners in all cases except case No.R-229/16 and R-231/16 shall not be entitled to the interest from date of filing of application under Section 28-A of the Act to decision dated 16.09.15 of the Hon’ble High Court.*
- 2. That this order of re-determination shall not be applicable in case where the remedy u/s 18 of L.A Act has been availed by the petitioner except the reference petition under Section 18 filed by the petitioner had been dismissed on the ground of delay. The petitioner’s name or his legal rights should have been recorded in*



the revenue record or mutated in his favour and there should be no dispute in the ownership or share overland under claim as well.

3. That the petitioner will have to furnish indemnity bond or adequate surety equivalent to amount of compensation re-determined in this case as the petitioner shall abide by any adverse order passed by the competent court of law at the later stage.

4. That the dealing official shall prepare the claim of the petitioners in the present case after proper verification from the record regarding ownership, land entitlement and filing of reference petition u/s 18 of the Act immediately.”

A perusal thereof shows that the Land Acquisition Collector though being fully conscious of the fact that the determination made by learned Reference Court vide its award dated 04.01.2016 in exercise of powers under Section 18 of 1894 Act was not final, yet in order to avoid any unnecessary financial burden upon the respondent-State against statutory interest towards delay in making payment; rather than awaiting financial adjudication, went on to decide the reference preferred under Section 28-A of 1894 Act at the instance of the petitioner-land owner while awarding him the benefit @ Rs.2000/- per sq yd along with all other statutory benefits. Cognizantly, the learned Collector in its order dated 28.10.2016 never made any reference to the award dated 04.01.2016 passed by the learned Reference Court but mentioned about the decision dated 16.09.2015 made by this Court in the Regular First Appeal. The Collector vide its decision dated 28.10.2016 directed the petitioner-land owner to furnish indemnity bond or surety bond for release of re-determined compensation. Thus the intent and effect of the decision dated 28.10.2016 by the Land Acquisition Collector was clear and explicit to the effect that the petitioner being land owner was entitled for the benefit of market value, in terms of any final adjudication made in relation to



the same very acquisition and not merely @ Rs.2000/- per sq yd as determined by the Learned Reference Court.

7. Be that as it may, once a specific direction was issued by the Land Acquisition Collector with respect to the furnishing of indemnity bond or adequate surety equivalent to the amount of compensation re-determined/payable to the petitioner so as to, safeguard the rights of the respondents in case of any reduction of market value during the pending adjudicatory process in appeal qua the award dated 04.01.2016, the intent and effect of his decision dated 28.10.2016 was never to put the petitioner-land owner to any disadvantageous position but was merely to bind her and the respondents on the point of payment of compensation to the land owner in terms of the final determination. Thus, in such circumstances, the plea raised on behalf of respondent No.2 with respect to the availability of alternate remedy under Section 28-A(3) was wholly misplaced as no such remedy was required to be awaited in the given facts.

8. In view of aforesaid discussion, present writ petition is allowed and the petitioner is held entitled to the award of compensation @ Rs.3704/- per sq. yd, as directed by the Land Acquisition Collector vide its order dated 28.10.2016 and in terms of judgment of Hon'ble Apex Court reported as **Banwari Lal's case (supra)** qua the final determination of the market value relating to the present acquisition besides grant of all other statutory benefits as available under the provisions of 1894 Act.

(HARKESH MANUJA)
JUDGE

29.08.2025

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