

2025:PHHC:116998



110 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA-499-2012 (O&M)
Decided on:-26.08.2025

Shamlat Patti Illahi Bux of Village
Ajrona, Faridabad and others

....Appellants..

VS.

State of Haryana thr. Collector, Faridabad
and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Kul Bhushan Sharma, Advocate for the appellants.

Mr. Abhinash Jain, DAG, Haryana.

HARKESH MANUJA J. (Oral)

CM-481-CI-2024

Application is allowed as prayed for, subject to all just exceptions.

Main case

1. By way of present appeal, challenge has been laid to an award dated 08.05.2009 passed by the learned Additional District Judge-cum-Reference Court, Faridabad.

2. Briefly stating, in the present case certain land owned by the appellants, situated within the revenue estate of Village Ajrona, Hadbast No.188, Tehsil and District Faridabad was acquired vide notifications dated 03.07.1995 and 02.07.1996 issued under Sections 4 & 6 of the Land Acquisition Act, 1894 (*for short, "1894 Act"*), for the purpose of

development and utilization of land as residential, institutional and commercial Sector 20-A, Faridabad. Award No.13 dated 29.06.1998 was announced by the Land Acquisition Collector, Faridabad and the market value of the acquired land was assessed @ Rs.5,85,000/- per acre, besides, granting other statutory benefits.

3. Aggrieved of the aforesaid award passed by the Land Acquisition Collector, appellants-landowners preferred reference petition under Section 18 of the 1894 Act, seeking enhancement of compensation, which came to be dismissed vide award dated 08.05.2009 passed by the learned Additional District Judge, Faridabad. Hence, the present appeal.

4. While imugning the aforesaid award, learned counsel for the appellants submits that the learned Reference Court went wrong while the non-suiting the appellants on the ground of ownership as well as the reference petition being barred by limitation and thus, prays for setting aside the impugned award dated 08.05.2009.

5. Learned counsel for the respondent-State has specifically raised a plea that the appellants failed to prove their ownership over the land under acquisition. Learned State counsel further submits that the reference petition preferred at the instance of appellants-land owners was barred by limitation, as the award under Section 11 in the present case was passed on 29.06.1998, whereas, reference petition was filed on 22.01.2003 and the same being delayed by almost 04 years, was rightly dismissed by the learned Reference Court. In this regard, learned State counsel refers to para No.12 and 17 of the Reference Court award.

6. Having perused the same, in the humble opinion of this Court, the learned Reference Court with all due respect went wrong while non-suiting the appellants on the ground of ownership as well as the reference

petition being barred by limitation.

6.2 A perusal of the records shows that no such plea of the appellants not being successors to Brahma @ Birma son of Amar Singh was ever raised at the instance of respondents, however, the objection was that the land in question was “*sham lat deh*” and thus, the appellants were not entitled for award of compensation. As such, the learned Reference Court went wrong while non-suiting the appellants, especially when the copy of list of *Malkan* (Ex.P.2) included the name of Brahma @ Birma son of Amar Singh was proved on record to establish the entitlement of the appellants.

6.3 Furthermore, the findings recorded by the learned Reference Court as regards the reference petition being barred by limitation are also liable to be set aside in the absence of any proof being produced on record by the respondents to establish that either the appellants or their predecessor were present at the time of passing of award dated 29.06.1998 or a copy of the said award was ever served upon them in terms of Section 12(2) of the 1894 Act, so as to make them aware of the contents of award. Moreover, even as on today, the appellants have not been released even a single penny towards compensation in terms of award dated 29.06.1998 passed by the Reference Court.

6.4 As regards the claim of the appellants towards enhancement of market value is concerned, the same is squarely covered with the decision dated 08.09.2022 rendered by the Hon’ble Apex Court in Civil Appeal No.6229 of 2022, titled as “***Amanullah Khan vs. The State of Haryana and another***” and, as such, the appellants-landowners are held entitled for the same enhanced market value of Rs.1210/- per sq.yrds. along with other statutory benefits and interest as per the provisions of 1894 Act. The relevant

paragraph No.8 of the decision dated 08.09.2022 is extracted hereunder:-

“8. In view of the above and for the reasons stated above and following the judgment and order passed by this Court in the case of Balwant Singh (D) through Lr. Gurbinder Singh (supra), all these appeals are partly allowed. Accordingly, the judgment/s of the High Court is/are modified and the claimants of the land acquired under notification dated 7.4.1986 shall be entitled to the compensation @ Rs. 435/- per square yard. The claimants of the land acquired under notifications dated 5.6.1992 and 3.7.1995 shall be entitled to compensation @ Rs. 860/- and Rs. 1210/- per square yard respectively. The landowners shall be entitled to all other statutory benefits under the 1894 Act. However, as observed hereinabove and as observed while condoning the delay in preferring the appeals, it is directed that the claimants shall not be entitled to the statutory benefits including interest under the [Land Acquisition Act, 1894](#) on the enhanced amount of compensation from the date of the impugned judgment/s of the High Court till the respective appeals have been preferred before this Court. All these appeals are partly allowed to the aforesaid extent. However, in the facts and circumstances of the case, there shall be no order as to costs.”

6.5 In such circumstances, the impugned award is set aside and the appellants are held entitled for market value at the rate of Rs.1210/- per sq.yards along with all other statutory benefits and interest payable to them under the provisions of 1894 Act.

7. Pending application, if any, also stands disposed of.

26.08.2025

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No