



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Civil Writ Petition No. 26765 of 2021 (O&M)
Date of Decision: 11.11.2025

Tejinder Kaur and others

..... Petitioners

Versus

The Chandigarh Administration and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sanjeev Patiyal, Advocate
for the petitioners.

Mr. Sumeet Jain, APP, U.T., Chandigarh
for respondent Nos. 1 to 5.

HARKESH MANUJA, J. (ORAL)

The following prayer / relief has been sought for in the present
petition:-

“ Civil Writ Petition under Article 226/227 of the Constitution of India for issue a writ of Certiorari / Mandamus or any other writ order or direction, which are appropriate under the circumstances of the case, for directing the respondent no. 4 **for considering the actual compensation** while deciding the application under Section 28-A of the “Land Acquisition Act 1894” **pending** with respondent no. 4 **since 29.08.2013 (ANNEXURE P-3)** related to the land already acquired award no. 597 dated 18.09.2009 **(ANNEXURE P-1)**. The action of the respondents against the petitioners where been deprived from their vested rights and ignoring the petitioners vested rights/claims qua their entitlement is vitiated being result colourable exercise of power of eminent domain, illegal, arbitrary, discriminatory, Un-constitutional, Void and against the Principles of Natural Justice.. ”

[2] Briefly stating, some land owned by the petitioners situated within the revenue estate of Village Maloya, Union Territory, Chandigarh came to be acquired by the respondent-Chandigarh Administration for the public purpose, namely, “for rehabilitation of slum dwellers”. An Award dated 18.09.2009 was announced by the Land Acquisition Collector (**for short “LAC”**), whereby the market value was determined at the rate of Rs.30,50,362/- per acre. Later, upon reference petition preferred at the instance of other similarly situated landowners, vide award dated 01.06.2013 passed by the learned Reference Court, the market value was enhanced to Rs. 58,56,000/- per acre.

[3] Based on the award dated 01.06.2013, the petitioners-landowners invoked Section 28-A of the Land Acquisition Ac, 1894 (**for brevity “1894 Act”**) vide application dated 29.08.2013 (Annexure P-3). In the meanwhile, the other similarly situated landowners pertaining to the same acquisition proceedings preferred Regular First Appeals before this Court thereby assailing the Reference Court decision dated 01.06.2013. Those RFAs came to be adjudicated upon by this Court vide decision dated 06.10.2015 (Annexure PX-1), leading case of which was ***RFA No. 6554 of 2013***, titled ***“Gurpreet Singh and another Versus Union Territory, Chandigarh”***, whereby the market value of the acquired land was further enhanced to Rs. 91,80,000/- per acre.

[4] Thereafter, vide order dated 12.06.2017, the LAC adjudicated upon the reference petition preferred at the instance of petitioners in terms of Section 28-A of the 1894 Act. Since, there was some issue with respect to the area and calculation made by the respondent-LAC in its order dated 12.06.2017, as such a supplementary order dated 25.01.2022 was passed in

favour of the petitioners-landowners. However, admittedly the re-determination of market value in favour of the petitioners-landowners was made at the rate of Rs. 58,56,000/- per acre, ignoring the determination made by this Court. Being aggrieved thereof, the petitioners approached this Court having preferred CWP-15985-2022 which was dismissed as withdrawn with liberty to file an application under sub-Section (3) of Section 28-A of the 1894 Act, vide order dated 26.07.2022 (Annexure PX-4) passed by this Court, which reads as under:-

“1. The learned counsel representing the petitioners, after arguing for some time, prays for permission to withdraw the present writ petition with liberty to file an application under sub-Section 3 of Section 28-A of the Land Acquisition Act, 1894.

2. Ordered accordingly.”

[5] In terms thereof, the petitioners preferred reference under Section 28-A(3) of the 1894 Act bearing **LAC No. 1 of 2023**, titled **“Tejinder Kaur & Ors. Versus Land Acquisition Officer, Chandigarh”** and the same is pending consideration for 08.12.2025 before the learned Reference Court.

[6] Having heard learned counsel for the parties and gone through the paper-book, the learned Reference Court is requested to adjudicate upon the aforesaid LAC No. 1 of 2023, preferably within two months from the date fixed i.e. 08.12.2025, while taking into account the fact that the market value of the land acquired under the same notification stands assessed at the rate of Rs. 91,80,000/- per acre vide decision dated 06.10.2015 passed by this Court in case of **Gurpreet Singh (supra)**, which was essentially required to be taken into account by the LAC on 12.06.2017 as well as on 25.01.2022

while determining the petition/application preferred at the instance of petitioners-landowners having invoked Section 28-A of the 1894 Act in terms of law laid down by the Hon'ble Supreme Court in case of ***“Bharatsing S/o Gulabsingh Jakhad & Ors. Versus State of Maharashtra & Ors.”, 2018 (11) SCC 92.*** Relevant para-17 from the decision passed in ***Bharatsing's case (supra)*** is extracted hereunder:-

“ 17. The Section 28A application dated 31.12.1992 based on the awards in LAR Nos. 123 and 129 of 1983 was decided on 25.10.2000 when the appeals therefrom were pending. The Collector ought to have kept the application pending till the appeals were decided on 23.03.2009. On principle, the High Court is correct and justified in the view taken in the impugned judgment that there cannot be successive applications under Section 28A in view of Pradeep Kumari (supra). But that is not the point arising for consideration here. No doubt, the second application dated 27.05.2009 for re-fixation in light of the appellate court judgment is not maintainable. However, since the Collector is also at fault in deciding the application when the matter was pending in appeal, we are of the view that in the peculiar facts of the instant case, the application dated 31.12.1992 should be considered afresh. Accordingly, the appeal is disposed of as follows. The Land Acquisition Collector is directed to consider afresh the Section 28A application dated 31.12.1992 and pass orders in the light of the judgment of the High Court dated 23.03.2009 in First Appeal Nos.569 and 570 of 1997 on the file of the High Court of Bombay, Bench at Aurangabad. For enabling the Collector to pass orders as above, the order dated 25.10.2000 is set aside. However, the amounts already paid are to be duly adjusted. ”

[7] Furthermore, the Hon'ble Apex Court in case of ***“Banwari and others Versus Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) and another”***, reported as 2025 All SCR

31, has already held that under the provisions of Section 28-A of the 1894 Act, the landowners are entitled to seek their claim in terms of decision made even in first appeal. It is also directed that the respondents shall calculate and release the amount due in favour of petitioners-landowners within two months of the determination made by the learned Reference Court.

[8] In view of the aforesaid observations, present writ petition is disposed off.

[9] Pending miscellaneous application(s), if any, shall also stand disposed off.

November 11, 2025

(HARKESH MANUJA)
JUDGE

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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No