

2025:PHHC:114511



168 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-22858-2025 (O&M)
Decided on:-27.08.2025

Partap Singh (deceased) thr. his LR's.

....Petitioner..

vs.

State of Punjab and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rajbir Singh, Advocate for the petitioner.

Mr. Athar Ahmed, DAG, Punjab for respondents No.1 and 2.

Mr. Sanjeev Sharma, Advocate for respondent No.3-PSIEC.

HARKESH MANUJA J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India, for issuance of direction to respondent No.2 to decide application dated 26.10.2006 (Annexure P-3) under Section 28-A of the Land Acquisition Act, 1894 (*for short, "1894 Act"*) which is lying pending before respondent No.2.

2. On 19.08.2025, the following order was passed:-

"1. Learned counsel for the respondents has produced on record a copy of order dated 19.08.2025 passed by the Land Acquisition Collector, Chandigarh, disposing of the application preferred under Section 28-A of the Land Acquisition Act, 1894, at the instance of petitioner. A copy of this order has been handed over to learned counsel for the petitioner in Court today. The operative portion of the order dated 19.08.2025 is extracted hereunder:-

“ XXX XXX XXX

10. After going through all the facts and circumstances of the case, it is settled law that the award/decreed of Lower Court gets merged in the decree of the Appellate Court which along is executable. Further Hon'ble Supreme Court has held that the court of Collector, should decide the applications u/s 28-A only after the decision of the appellate authority, so that the compensation can be enhanced/reduced accordingly. So, I re-determine the compensation of the applicant i.e. Partap Singh S/o Pal Singh, on the basis of judgment dated 27.02.2015 passed by Hon'ble High Court in which compensation was enhanced to Rs.110/- per square yard along with all statutory benefits as per amended Act which further attained finality vide judgment dated 21.11.2017 of Hon'ble Supreme Court of India.

11. The said so calculated amount of enhanced compensation should be deposited from PSIEC and released to the applicants/LRs after obtaining adequate surety in the form of indemnity-cum-surety bonds duly attested and the Income Tax as leviable has to be deducted as per law.”

2. At this stage, on the oral request made by learned counsel for the petitioner, Punjab Small Industries & Export Corporation thr. its Managing Director, Udyog Bhawan, Sector 17, Chandigarh is ordered to be impleaded as respondent No.3 in the present writ petition.

3. Notice to newly added respondent No.3.

4. On the asking of Court, Mr. Gunjan Mehta, Advocate accepts notice on behalf of respondent No.3 and prays for a week's time to seek instructions with regard to release of compensation in terms of order dated 19.08.2025.

5. Adjourned to 27.08.2025.

6. In the meanwhile, amended memo of parties be filed in the Registry.

7. To be shown in the Urgent List.”

2.1 Today, Mr. Sanjeev Sharma, Advocate has appeared on behalf of respondent No.3 and on instructions from Mr. Narinder Kumar, Law Officer, PSIEC, submits that the amount payable to the petitioner in terms of decision dated 19.08.2025 upon an application preferred at the instance of petitioner invoking Section 28-A of the 1894 Act shall be deposited with respondent No.2 within 04 weeks from today.

2.3 On instructions from the office of respondent No.2, Mr. Athar Ahmed, DAG, Punjab submits that the moment, amount is deposited with respondent No.2, the same shall be transmitted/released to the petitioner within a week thereafter.

3. In view thereof, no cause survives in the present petition, as such, the same is disposed of.

4. Respondents No.2 & 3 shall remain bound by their undertaking extended before this Court and in case, they fail to abide by the same, the petitioner shall be entitled for delay/litigation costs of Rs.1 lakh per month, payable by respondents No.2 and 3 in equal proportion and the petitioner shall also be at liberty to seek revival of the present petition. In case, the office of respondent No.3 has any grouse/grievance about the delay in disposal of Section 28-A petition preferred at the instance of petitioner, by the office of respondent No.2, they shall be at liberty avail their remedies.

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

27.08.2025

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No