



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

**Reserved on: 16.07.2025
Pronounced on: 31.07.2025**

1. LPA No. 1922-2019(O&M)

UNION OF INDIA AND ANOTHER

... APPELLANTS

Versus

**THE SPECIAL LAND ACQUISITION COLLECTOR CUM SUB
DIVISIONAL MAGISTRATE, PATHANKOT AND OTHERS.**

... RESPONDENTS

2. LPA No. 1924-2019(O&M)

UNION OF INDIA AND ANOTHER

... APPELLANTS

Versus

**THE SPECIAL LAND ACQUISITION COLLECTOR CUM SUB
DIVISIONAL MAGISTRATE, PATHANKOT AND OTHERS.**

... RESPONDENTS

3. LPA No. 1941-2019(O&M)

UNION OF INDIA AND ANOTHER

... APPELLANTS

Versus

**THE SPECIAL LAND ACQUISITION COLLECTOR CUM SUB
DIVISIONAL MAGISTRATE, PATHANKOT AND OTHERS.**

... RESPONDENTS

4. LPA No. 1964-2019(O&M)

UNION OF INDIA AND ANOTHER

... APPELLANTS

Versus

**THE SPECIAL LAND ACQUISITION COLLECTOR CUM SUB
DIVISIONAL MAGISTRATE, PATHANKOT AND OTHERS.**

... RESPONDENTS



5. LPA No. 1967-2019(O&M)

UNION OF INDIA AND ANOTHER

... APPELLANTS

Versus

THE SPECIAL LAND ACQUISITION COLLECTOR CUM SUB
DIVISIONAL MAGISTRATE, PATHANKOT AND OTHERS.

... RESPONDENTS

6. LPA No. 1917-2019(O&M)

UNION OF INDIA AND ANOTHER

... APPELLANTS

Versus

THE SPECIAL LAND ACQUISITION COLLECTOR CUM SUB
DIVISIONAL MAGISTRATE, PATHANKOT AND OTHERS.

... RESPONDENTS

**CORAM:- HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY**

Present:- Mr. Arun Gossain, Senior Govt. Counsel with
Mr. Saurav Rao, Advocate for the appellants-UI.

Mr. Salil Sablok, Sr. DAG, Punjab.

Mr. Vishal Aggarwal, Advocate, for respondent in
LPA No. 1924-2019

SANJIV BERRY, J.

1. Challenging the impugned order dated 27.10.2017 (Annexure P-3) passed by respondent No.1, the Special Land Acquisition Collector, cum Sub-Divisional Magistrate, Pathankot, the present appellants had preferred a bunch of Civil Writ Petitions seeking issuance of Writ in the nature of certiorari for quashing of the said order. Vide the order (Annexure P-3), the applications preferred by the private respondents under Section 28-A of the



Land Acquisition Act (hereinafter referred to 'the Act') seeking redetermination of the compensation in terms of the order passed in RFA No. 2902 of 1999 decided on 17.02.2016 had been allowed.

2. Vide judgment dated 15.02.2018 passed in CWP No. 3464 of 2018 the learned Single Judge dismissed the Civil Writ Petition. Since the common facts were involved in the bunch of Civil Writ Petitions arising out of the same facts and also pertaining to the same notification and the award dated 27.10.2017 (Annexure P-3) passed by respondent No.1, the learned Single Judge disposed of the same in terms of the order dated 15.02.2018 passed in CWP No. 3464 of 2018 on different dates. The details whereof are CWP No.3679-2018, 3673-2018 and 3685-2018 decided on 16.02.2018, CWP No.4350-2018 and 4374-2018 decided on 22.02.2018.

2.1 The decision in the aforesaid Civil Writ Petitions have also been challenged by filing the respective LPAs, which are being decided here alongwith.

3. In nutshell, the facts of the case are that the appellants had accorded sanction for the acquisition of land measuring 2954.47 acres vide letter dated 10.11.1989 by invoking urgency clause in respect of 10 villages, regarding which Notification under Section 4 of the Land Acquisition Act was issued on 22.02.1991, published on 06.03.1991 and under Section 6 of the Act was also published on 06.03.1991. The Special Land Acquisition Collector vide award dated 15.03.1993 awarded different rates of compensation for different classification of land. On the reference under Section 18 of the Act being filed by some land owners, the Additional District Judge, Gurdaspur decided the reference on different dates. The said



award was challenged in the High Court in Regular First Appeals (RFA) No. 2902 of 1999, titled as Union of India vs. Major Pritam Singh etc. whereby, vide order dated 17.02.2016 the RFA's preferred by the appellants were dismissed while the Cross-objections of the land owners were allowed enhancing the market value of the acquired land to the tune of ₹2300 per marla.

4. The private respondents on coming to know about the said enhancement vide judgment dated 17.02.2016, filed the applications under Section 28-A of the Act for redetermination of the compensation of their acquired land on the basis of the order dated 17.02.2016 passed by this Court in RFA No. 2902 of 1999, which was opposed by the appellant by filing the reply. The said applications under Section 28-A of the Act filed by the private respondents were allowed by respondent No.1 vide the impugned order dated 27.10.2017 (Annexure P-3). In the meanwhile, the appellants also preferred Special Leave Petition before the Hon'ble Apex Court impugning the order passed in RFA No. 2902 of 1999 dated 17.02.2016 wherein the following order was passed on 15.12.2017:-

“ Delay condoned”

Leave granted

List alongwith C.A. No. 19272-19285-2017.”

5. Arguments advanced by learned counsel for the parties have been considered.

6. At the very outset, it is not disputed that the Special Leave Petition preferred by the appellants against the judgment dated 17.02.2016 passed in RFA No. 2902 of 1999 had already been dismissed and the same is

the fate of C.A. No. 19272-19285-2017 titled as “*Union of India and another vs. Major Pritam Singh and Another*” vide order dated 23.02.2023.

7. Learned counsel for the appellants has assailed the order dated 27.10.2017 (Annexure P-3) passed by respondent No.1 on the ground of the same being barred by limitation, as according to him, the land owners who had not sought reference under Section 18 of the Act could apply for redetermination of the amount under Section 28-A of the Act before the Collector within three months of the award passed by the District Court, whereas, in the present case such application under Section 28-A had been preferred by the land owners even after the decision of the High Court and the respondent No.1 ignored this provision while passing the impugned award, Annexure-P3. He contended that even this crucial aspect has not been considered by the Hon’ble Single Judge while deciding the Civil Writ Petition vide the judgment appealed against. He has referred to the judgments cited as *Popat Bahiru Govardhane Etc. v. Special Land Acquisition Officer and Anr. AIR 2014 SC (Supp)751* and *Tota Ram vs. State of U.P. And Ors (1997) Supp. 2 SCR 184.*

8. Per contra, learned counsel appearing on behalf of contesting respondent submit that the instant appeals have been preferred just to harass the innocent land owners especially when the SLP preferred by the appellants challenging the order dated 17.02.2016 passed in RFA No. 2902 of 1999 had already been dismissed by Hon’ble Apex Court vide decision dated 23.02.2023 whereby the enhancement as ordered in the RFA by High Court had already attained finality.

9. The arguments of the appellants are misguided as the controversy in this regard has already been set at rest by Hon'ble Apex Court in recent judgment cited as **Banwari and Others vs. Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) and Another 2025(1) RCR (Civil) 232;** wherein it has been specifically held that the application under Section 28-A of the Act can be filed before the Collector within three months from the date of the judgment and order of the High Court in a case where the landlords are seeking re-determination of the compensation on the basis of the judgment and order of the High Court. As such respondents submit that present appeals deserve to be dismissed.

10. After considering the rival contentions and perusing the record, it is not disputed that the private respondents /land owners had not sought any reference under Section 18 of the Act and had moved an application for re-determination of the compensation under Section 28-A of the Act before the Special Land Acquisition Collector, respondent No.1, which had been decided vide order dated 27.10.2017 (Annexure P-3). It is also not disputed that as of now, no proceeding in Civil Appeal or SLP is pending before the Hon'ble Apex Court qua the aforesaid RFA and the order passed on 17.02.2016 in RFA No. 2902 of 1999 has already attained finality.

11. Before proceeding further, it would be apt to have a glance on Section 28-A of the Act which provides as under:-

“[28A. Re-determination of the amount of compensation on the basis of the award of the Court. - (1) where in an award under this part, the court allows to the applicant any amount of compensation in excess of the amount awarded by the collector under section 11, the persons interested in all the other land covered by the same notification under section 4, sub-section (1) and who are also aggrieved by the award of the Collector may,



notwithstanding that they had not made an application to the Collector under section 18, by written application to the Collector within three months from the date of the award of the Court require that the amount of compensation payable to them may be re-determined on the basis of the amount of compensation awarded by the court:

Provided that in computing the period of three months within which an application to the Collector shall be made under this sub-section, the day on which the award was pronounced and the time requisite for obtaining a copy of the award shall be excluded.

XXX

XXX

XXX”

12. A perusal of the aforesaid provision would indicate that it has been framed for the re-determination of the amount of compensation for the persons who had not preferred reference under Section 18 of the Act and they have been allowed to move an application to the Collector under this provision, within three months from the date of award of the Court, requiring the compensation amount paid to them be redetermined on the basis of the compensation so awarded by the Court.

12.1 In the present case, the said application for redetermination of compensation under Section 28-A of the Act was filed on 12.05.2016, as mentioned in the index attached with the LPA claiming redetermination of the compensation in terms of the enhancement so ordered by the High Court vide order dated 17.02.2016 passed in RFA No. 2902 of 1999.

13. The judgments relied upon by rival sides have also been perused. So far as the judgment referred by learned counsel for the appellants is concerned i.e. **Popat Bahiru Govardhane Etc. v. Special Land Acquisition Officer and Anr.; AIR 2014 SC (Supp)751**, a perusal thereof, transpires that the Hon’ble Apex Court while discussing the period of limitation for moving application under Section 28-A of the Act had held therein that such

application has to be filed within the period of limitation as prescribed under the Statute and the Court has no power to extend the period of limitation on equitable grounds. It has been held that period of three months prescribed for filing application would commence from the date of award and not from the date of acquisition of knowledge of Courts award. Similarly, in the judgment cited as **Tota Ram vs. State of U.P. And Ors; SLP (C) 11171 of 1997**, it has been held that the plea qua the period of limitation to begin from date of the knowledge of the award, is not sustainable.

14. The latest preposition on the subject is laid down in the judgment cited by learned counsel for the respondent, in **Banwari's case (supra)** wherein it has been held by Hon'ble Apex Court that the application for the re-determination of the compensation under Section 28-A of the Act could be filed within a period of three months from the judgment of High Court, relying upon the judgment rendered by the bench of three learned Judges of Hon'ble Apex Court in **Union of India v. Pradeep Kumari (1995) 2 SCC 736** and distinguishing the view in **Ramsinghbhai (Ramsangbhai) Jerambhai vs. State of Gujarat (2018 16 SCC 445)**. The relevant portions of the judgment is reproduced as under:-

“ xxx xxx xxx xxx

12. It has further been held by this Court that under Section 28-A of the 1894 Act, a right accrues to a person interested in the other land covered by the same notification under sub-section (1) of Section 4, where the Court allows a higher compensation to the similarly circumstanced persons who are covered by the said notification. It has been held that the application for redetermination of the compensation is required to be made within three months from the date of the award by the Court. It has been held that the right to make an application under Section 28-A of the 1894 Act arises from the award of the Court on the basis of which the person

making the application is seeking redetermination of the compensation. The Court further held that there is nothing in sub-section (1) of Section 28-A of the 1894 Act to indicate that this right is confined in respect of the earliest award that is made by the Court after coming into force of Section 28-A of the 1894 Act. This Court held that Section 28-A of the 1894 Act if read in such a manner, it will be contrary to the principles of construction of a beneficial provision. It is further held that by judicial interpretation, the Court could not read the words which are not there and thereby restrict the scope of a provision.

xxx

xxx

xxx

xxx

15. *In the present case, it is not in dispute that the First Appeal which was allowed by the High Court vide judgment and order dated 2nd May 2016 was in respect of the land which was covered by the same notification under which notification the appellants' land is also covered. It is also not in dispute that the amount awarded by the High Court in the said First Appeal is in excess of the amount awarded by the Collector under Section 11 of the 1894 Act in the case of the land of the appellants. It is also not in dispute that the appellants had not made an application to the Collector under Section 18 of the 1894 Act. It is also not in dispute that the application made by the appellants under Section 28-A of the 1894 Act to the Collector was within a period of three months from the date of the judgment and order of the High Court.*

xxx

xxx

xxx

xxx

24. *As already discussed hereinabove, the provisions of Section 28-A(1) of the 1894 Act have been elaborately considered by a three Judges Bench of this Court in the case of Pradeep Kumari and Others (supra). In the said case, it has been held that the Statement of Objects and Reasons of Section 28-A would reveal that the object underlying the enactment of the said provision is to remove inequality in the payment of compensation for same or similar quality of land. It has been held that the said provision is for giving benefit to inarticulate and poor people not being able to take advantage of the right of reference to the civil court under Section 18 of the Act. It has been held that this is sought to be achieved by providing an opportunity to all aggrieved parties whose land is covered by the same notification to seek redetermination once any of them has obtained orders for payment of higher compensation from the reference court under Section 18 of the Act. The same benefit would be available to the other landholders under Section 28-A. It has been held that Section 28-A being a beneficent*



legislation enacted in order to give relief to the inarticulate and poor people, the principle of interpretation which would be required to be adopted is the one which advances the policy of the legislation to extend the benefit rather than a construction which has the effect of curtailing the benefit conferred by it. xxx xxx xxx”

15. The preposition of law laid down in the latest judgment in ***Banwaris’ case (supra)*** applies with full force on the facts and circumstances of the present case and on the strength thereof, the application moved under Section 28-A of the Act for redetermination of the compensation, to the Collector, within three months from the date of judgment/order of the High Court is, therefore, not barred by limitation.
16. Resultantly, in the light of the above discussion, it is observed that the impugned judgment does not suffer from any infirmity or perversity so as to call for any interference by this Court.
17. As a consequence, finding no merit in the instant appeals the same are hereby dismissed with no order as to costs.
18. All the pending miscellaneous applications, if any, are also disposed of.

(SANJIV BERRY)
JUDGE

(SHEEL NAGU)
CHIEF JUSTICE

Dated: 31.07.2025
Gyan

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No