

2025:PII IC:125385



CWP No.23500 of 2023 (O&M)

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

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CWP No.23500 of 2023 (O&M)

Date of Decision: 11.09.2025

Phoolpati and others**.....Petitioners****Vs****State of Haryana and others****....Respondent(s)****CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA***

Present: Mr. Sandeep Singal, Advocate
for the petitioners.

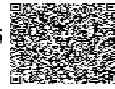
Ms. Komal Sharma, D.A.G., Haryana.

Mr. Pritam Singh Saini, Advocate
for respondent No.4.

HARKESH MANUJA, J. (Oral)

[1]. By way of present Writ Petition, prayer has been made for issuance of direction to respondent No.3-Land Acquisition Collector, Rohtak to decide afresh the application dated 06.02.2018 preferred at the instance of the petitioners under Section 28-A of the Land Acquisition Act, 1894 (for short 'the 1894 Act') in terms of the judgment dated 15.11.2021 passed by this Court in RFA No.3000 of 2016.

[2]. In the present case, some land owned by the petitioners along with that of other landowners situated within the revenue estate of village Garhi Bohar, Tehsil and District Rohtak came to be acquired vide Notifications dated 13.02.2008 and 31.12.2008 issued under Sections 4 & 6 of the 1894 Act respectively for setting up of Industrial Model Township, Rohtak, followed by an Award passed by the Land Acquisition Collector (for short 'the LAC') on

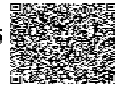
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17.08.2009 thereby determining the market value to be Rs.20,00,000/- per acre for all kinds of land along with all other statutory benefits as per the 1894 Act.

[3]. Though the petitioners did not challenge the aforesaid Award passed by the LAC, however, certain other landowners filed separate Reference Petitions under Section 18 of the 1894 Act before the learned Addl. District Judge, Rohtak-cum-Reference Court while claiming enhancement. Those Reference Petitions were decided vide two different orders dated 26.08.2014 and 06.12.2017 thereby enhancing the market value @ Rs.31,71,000/- per acre. Based thereupon, the petitioners preferred application under Section 28-A of the 1894 Act seeking enhancement, which came to be decided by the District Revenue Officer-cum-Land Acquisition Collector, Rohtak vide its Award dated 17.07.2023 granting the benefit of similar compensation @ Rs.31,71,000/- per acre in favour of the petitioners.

In the meanwhile, Regular First Appeals preferred at the instance of other landowners arising out of the orders dated 26.08.2014 and 06.12.2017 passed by the learned Reference Court came to be finally adjudicated upon by this Court vide its decision dated 15.11.2021 passed in RFA No.3000 of 2016 and RFA No.10335 of 2014 decided on 14.11.2022 whereby the market value of the land abutting the National Highway No.10 was assessed @ Rs.44,69,547/- per acre and the remaining landowners of the acquired land were found entitled to the market value @ Rs.41,38,750/-.

[4]. The grouse of the petitioners is that once the Land Acquisition Collector was a party in the Reference Petitions(s) under Section 18 of the 1894 Act besides also being respondent in the aforementioned RFA No.3000 of 2016



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and RFA No.10335 of 2014, the application under Section 28-A of the 1894 Act was to be adjudicated upon on the basis of decisions dated 15.11.2021 and 14.11.2022 passed in RFA No.3000 of 2016 and RFA No.10335 of 2014 respectively. In support learned counsel for the petitioners relies upon the decision dated 12.12.2017 passed in the case of **Bharatsing S/o Gulabsingh Jakhad & Ors. Vs. State of Maharashtra & Ors.**, reported as **2018(1) R.C.R. (Civil) 497**. Relevant para nos.16 and 17 thereof are extracted hereunder:-

16. Though there is no quarrel with the principle that only a single application is maintainable, in the instant case, unfortunately, the High Court omitted to take note of the fact that the appeals on the relied on awards were pending when the Section 28A application was decided. That is the special and distinctive factual position in the instant case. It must also be kept in mind that Section 28A is a beneficial provision.

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



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dated 25.10.2000 is set aside. However, the amounts already paid are to be duly adjusted.”

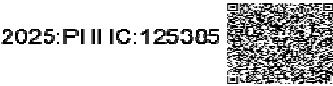
[5]. Learned counsel for the petitioners thus submits that the petitioners should also have been awarded the benefits of market value in terms of latest decision dated 14.11.2022 passed by this Court in RFA No.10335 of 2014 which was passed even during pendency of the reference petition before respondent No.3-Land Acquisition Collector.

[6]. On the other hand, learned counsel representing the respondents submit that the alternate remedy of invoking Section 28-A(3) of the 1894 Act was available to the petitioners against the order dated 17.07.2023 passed by the District Revenue Officer-cum-Land Acquisition Collector, Rohtak, and thus the present Writ Petition is not maintainable.

[7]. Having heard learned counsel for the parties, in the present case, once the Land Acquisition Collector, Rohtak was already party in RFA No.3000 of 2016 and RFA No.10335 of 2014; in terms of law laid down by the Hon'ble Apex Court in **Bharatsing S/o Gulabsingh Jakhad & Ors.** case (supra), the adjudication upon the Reference under Section 28-A of the 1894 Act, preferred at the instance of landowners should have been made in terms of decisions dated 15.11.2021 and 14.11.2022 passed in RFA No.3000 of 2016 and RFA No.10335 of 2014 respectively, by this Court thereby granting the benefit of similar market value of Rs.41,38,740/- per acre in favour of petitioners-landowners.

[8]. In view of the discussion made hereinabove, the present writ petition is disposed of. The District Revenue Officer-cum-Land Acquisition Collector, Rohtak is directed to consider the application under Section 28-A of the 1894 Act

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preferred at the instance of the petitioners/landowners, afresh while relying upon the adjudication made by this Court in RFA No.3000 of 2016 and RFA No.10335 of 2014 decided on 15.11.2021 and 14.11.2022 respectively. Both the parties are thus directed to appear before respondent No.3-Land Acquisition Collector, Rohtak on 30.10.2025 and thereafter the compensation be re-determined in terms of the decisions passed in the aforementioned RFAs within four (04) months thereafter. The petitioners be released the benefit of further enhancement within two (02) months from the date of passing of such Award. In case the needful is not done in the abovesaid manner, respondent No.3-Land Acquisition Collector, Rohtak shall be liable to pay litigation cost(s) of Rs.1,00,000/- (Rupees One Lakh only) to the petitioners from his/her own pocket.

[9]. All pending application(s), if any, shall stand disposed of.

September 11, 2025
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No