



CWP No.29854 of 2025 (O&M)

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

210-2

CWP No.29854 of 2025 (O&M)
Date of Decision:28.11.2025

ASHISH VERMA AND ANOTHER**.....Petitioners****Vs****STATE OF PUNJAB AND OTHERS****....Respondents****CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA***

Present: Mr. Raj Karan Singh Verka, Advocate
for the petitioners.

Mr. Karunesh Kaushal, Asstt. A.G., Punjab.

Mr. Maninder Singh Garcha, Sr. Advocate with
Mr. Pradeep Sharma, Advocate
Ms. Priyanka Malik, Advocate and
Ms. Mehak Kanwar, Advocate
for respondent No.2.

HARKESH MANUJA, J. (Oral)

[1]. Short reply by way of affidavit of Sh. Hardeep Singh, Land Acquisition Collector, Urban Development, PUDA Bhawan, on behalf of respondent Nos.1 and 3 has been filed in Court, the same is taken on record.

[2]. By way of present writ petition, prayer has been made for issuance of directions to respondent Nos.2 and 3 to re-determine and award to the petitioners the enhanced compensation *pari passu* the learned Reference Court Award dated 24.05.2018 passed in LAC No.36 of 2014.

[3]. Briefly stating, in the present case, some land owned by the petitioners, situated within the revenue estate of village Hoshiarpur, Tehsil Kharar, District S.A.S. Nagar (Mohali), came to be acquired vide Notifications dated



17.05.2013 and 13.09.2013 issued under Sections 4 & 6 of the Land Acquisition Act, 1894 (for short 'the 1894 Act') respectively for the public purpose namely for "setting up of Residential Urban Estate, Phase-II, Extension in the area of Mullanpur, Tehsil Kharar, District S.A.S. Nagar." The Award under Section 11 of the 1894 Act was passed by the Land Acquisition Collector, S.A.S. Nagar (Mohali) on 31.12.2013 and the market value was assessed @ Rs.1,84,80,351/- per acre with 10% no litigation benefit; besides grant of other statutory benefits.

[4]. Being aggrieved thereof, some of the other landowners pertaining to this very acquisition sought reference under Section 18 of the 1894 Act which came to be decided on 24.05.2018 and the market value was re-determined @ Rs.3,86,86,925/- per acre along with statutory benefits.

It has been informed that Regular First Appeals with respect to the aforementioned adjudication made by the learned Reference Court are pending before this Court for final adjudication.

[5]. Based on the Reference Court Award dated 31.01.2024, in the meanwhile, the petitioners made an application under Section 28-A of the 1894 Act before respondent No.3 on 10.03.2025; the same is pending consideration.

[6]. The grievance of the petitioners in the present writ petition is that since the other similarly placed landowners have been directed to be released 50% of the enhanced compensation amount as determined by the learned Reference Court vide order dated 22.09.2023 passed by this Court in the Regular First Appeals preferred at the instance of those landowners; as such similar directions be issued to respondent No.3 to release 50% of the enhanced compensation in favour of the petitioners/landowners, in the same terms.



[7]. On the other hand, learned Senior counsel representing respondent No.2 submits that in terms of *Bharatsing S/o Gulabsingh Jakhad & Ors. Vs. State of Maharashtra & Ors.*, reported as *"2018(11) SCC 92"*, once the Regular First Appeals preferred at the instance of the other landowners qua the determination of market value pertaining to the same acquisition proceedings were pending before this Court, it was appropriate on the part of respondent No.3 to wait for the final outcome rather than adjudicating upon the application preferred under Section 28-A of the 1894 Act filed at the instance of the petitioners/landowners. Relevant paragraphs Nos.15 to 17 of the aforementioned judgment are extracted hereunder:-

"15. In the case of the appellants, when their Section 28A application was decided, based on awards in LAR Nos. 123 and 129 of 1983, the very same awards were pending in appeal before the High Court. However, the Collector proceeded to consider their application and decided the same on 25.10.2000. Thereafter, fresh application under Section 28A was filed on 27.05.2009 based on the judgment of the High Court dated 23.03.2009. It was this application that was held to be not maintainable, being a second application.

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

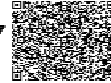


arising for consideration here. No doubt, the second application dated 27.05.2009 for re-fixation in light of the appellate court judgment is not maintainable. However, since the Collector is also at fault in deciding the application when the matter was pending in appeal, we are of the view that in the 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 dated 25.10.2000 is set aside. However, the amounts already paid are to be duly adjusted.”

[8]. Learned Senior counsel further submits that the application preferred at the instance of the petitioners/landowners would be adjudicated upon by respondent No.3 upon final determination of the market value pertaining to this very set of acquisition as such no direction as prayed for, was required in the given facts and circumstances of the case.

[9]. I have heard learned counsel for the parties and perused the paper book.

[10]. In the wake of decision rendered by the Hon'ble Apex Court in **Bharatsing S/o Gulabsingh Jakhad & Ors.** case (supra), no directions are called for at this stage as respondent No.3 shall be bound to adjudicate upon the application filed under Section 28-A of the 1894 Act preferred at the instance of petitioners/landowners based on the final determination of market value by this Court in the pending Regular First Appeals filed by the other landowners pertaining to this very acquisition proceedings.



[11]. It may also be noticed here that in terms of law laid down by the Hon'ble Apex Court in *Banwari and others vs. Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) and another* reported as "2025(1) RCR (Civil) 232", the petitioners-landowners have right to invoke Section 28-A of the 1894 Act even in pursuance to the final determination made by this Court in the pending Regular First Appeals, preferred at the instance of petitioners-landowners pertaining to the same acquisition. Relevant paragraph Nos.15 & 16 of the aforementioned judgment are extracted hereunder:-

"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.

16. From the perusal of the judgment of this Court in the case of Pradeep Kumari (supra), it is clear that the limitation for moving the application under Section 28-A of the 1894 Act will begin to run only from the date of the award on the basis of which redetermination of the compensation is sought. The appellants are seeking redetermination of the compensation on the basis of the judgment and order of the High Court in First Appeal No. 429 of 2023 dated 2nd May 2016. It is not disputed that the application of the appellants under Section 28-A of the 1894 Act is within a period of three months from 2nd May 2016."



Further the decision made in the case of Banwari and others (supra) has also been followed by the Division Bench of this Court in case of ‘Union of India and another vs. The Special Land Acquisition Collector-cum-Sub-Divisional Magistrate, Pathankot and others, 2025(3) RCR (Civil) 786.

[12]. In view of aforesaid, the application dated 10.03.2025 preferred at the instance of the petitioners-landowners, invoking Section 28-A of the 1894 Act be adjudicated upon by respondent No.3 upon final adjudication of the issue of quantum of market value/compensation in relation to the present acquisition proceedings which commenced vide Notification dated 17.05.2013 issued under Section 4 of the 1894 Act and the petitioners-landowners shall not be made to file any fresh application under Section 28-A of the 1894 Act so as to place reliance upon the final determination made by this Court or even by the Hon’ble Apex Court. The aforesaid direction is being issued in order to do complete and substantial justice between the parties and also keeping in mind the rights of the petitioners with regard to receipt of fair, just and similar compensation as awarded to the other identically placed landowners.

[13]. The present writ petition is disposed of in the aforementioned terms. Pending application(s), if any shall also stand disposed of.

November 28, 2025
Atik

(HARKESH MANUJA)
JUDGE

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