

2026:PHHC:073479



190

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-300-2024

Date of Decision: May 11, 2026

RAJINDER KAUR

.....Petitioner

Versus

STATE OF PUNJAB AND ANR

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Nitish Kaushal, Advocate for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

Ms. Deepali Puri, Advocate for respondent No.2.

HARKESH MANUJA, J. (ORAL)

By way of present revision petition filed under Article 227 of the Constitution of India, challenge has been laid to an order dated 21.06.2023 passed by the Land Acquisition Collector (for short '**the LAC**'), Urban Development Department, SAS Nagar, Punjab whereby, the objections preferred at the instance of petitioner-landowner in terms of Section 64 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act') were rejected being barred by limitation.

2. Briefly stating, some land owned by the petitioner-landowner, forming part of revenue estate of village Landran came to be acquired vide notification dated 21.03.2005 and 13.03.2006 issued under Sections 4 and 6 of the Act respectively followed by award dated 10.06.2015. In the aforesaid award, the market price of the acquired land was assessed

by the LAC. However, with respect to structures and trees, the following observation was made:

“ In the said acquired land, there are fruit bearing trees, non fruit bearing trees, tube well, pipe lines and structures etc, their survey report after preparation will be sent to Technical Department and after assessment of their rate, the due compensation as per the provisions of Act of 2013 will be given to the landowners.

3. Thereafter, the petitioner-landowner was released compensation with respect to the structures and the trees in part on 11.02.2022, 15.02.2022, 25.03.2025 and 25.08.2025. In the meanwhile, upon receipt of some part of compensation towards structure entries on 15.02.2022, the petitioner filed objections under Section 64 of the Act on 02.02.2023 with a prayer for enhancement. The said prayer was declined by the LAC vide order dated 21.06.2023 while recording that once the payment was made to the petitioner on 15.02.2022, the objections filed on 02.02.2023 were barred by limitation. Aggrieved thereof, the present revision petition has been filed.

4. I have heard learned counsel for the parties and gone through the paper book.

5. A perusal of award dated 10.06.2015 itself shows that the payment of compensation with respect to the structures as well as the trees was to be paid after the survey report in this regard was prepared and sent to the technical department followed by assessment of rates. Undisputedly, the petitioner-landowner was never made part of any such survey conducted by the respondents-authorities, nor was any record pertaining to such survey report or the assessment made with respect to the valuation of structures and fruit/non-fruit bearing trees, ever supplied

to her. Besides it, on 15.02.2022, admittedly only a portion of compensation as against structural entries was released to the petitioner and the final payment in this regard was received only on 25.03.2025. Admittedly, no copy of any supplementary award with respect to the structures or trees etc. was ever supplied to the petitioner-landowner by the respondents. In such circumstances it was established on records that the petitioner-landowner was never made aware about the process of determination of compensation qua the structures and trees.

Thus, it goes without saying that the petitioner-landowner could be at best said to have acquired implied knowledge of the complete assessment made by the respondents-authorities with respect to the structures and trees standing over the acquired land only on 25.03.2025 when the final payment in this regard was paid to her.

6. Further, in the given facts and circumstances, the LAC before passing the order dated 21.06.2023 did not even care to ascertain from the authorities as to whether any copy of the survey report or the assessment made by them with respect to the determination of compensation as against the structures and trees was ever supplied to the petitioner or whether, as on the date of filing of objections or even passing of the impugned order dated 21.06.2023, the petitioner was made aware of the fact as to how much was the total amount payable to her against the structures and trees existing over the acquired land. The LAC even did not care to find out as to whether, by the date of passing of the order dated 21.06.2023, the entire amount of compensation payable to the petitioner towards the structures and trees was released to her.

7. In such circumstances, the order dated 21.06.2023 passed by the then LAC while dismissing the objection preferred under Section 64 of the Act by the petitioner-landowner with respect to her claim of re-assessment of compensation towards structure and trees existing over the acquired land being barred by limitation was wholly incorrect. As such, order dated 21.06.2023 passed by the Land Acquisition Collector, Urban Development Department, Punjab SAS Nagar is hereby set aside.

8. In the peculiar facts and circumstances wherein, the petitioner-landowner has been waiting for the appropriate determination of the market value as against the super structure and trees existing over her acquired land for the past more than 20 years (as notification under Section 4 of the Act was issued on 21.03.2005), respondents shall be liable to pay cost of Rs.50,000/- to the petitioner for having delayed such process. Admittedly, the award with respect to the land value was passed on 10.06.2015 whereas, the compensation regarding super structures and trees was released only in parts on 11.02.2022, 15.12.2022, 25.03.2022 and 25.08.2025.

9. Pending application(s), if any, shall also stand disposed of.

11.05.2026
Tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>