

2026:PHHC:003493



135 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA-940-2003 (O&M)
Decided on:-13.01.2026

Dharam Pal

....Appellant..

VS.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Anil Rathee, Advocate with
Mr. Tanvir Singh, Advocate for the appellant.

Mr. Abhinash Jain, DAG, Haryana.

HARKESH MANUJA J. (Oral)

1. By way of present appeal, challenge has been laid to an award dated 03.09.2002 passed by the Court of learned Additional District Judge, Karnal (for short, “**Reference Court**”), whereby, a reference petition preferred under Section 28-A(3) of the Land Acquisition Act, 1894 (**hereinafter referred to as “1894 Act”**) at the instance of appellant-landowner, was dismissed.

2. Briefly stating, some land owned by the appellant forming part of the revenue estate of Town Karnal came to be acquired vide notifications dated 08.02.1989 and 07.02.1990, issued under Sections 4 & 6 respectively of the 1894 Act, followed by an award dated 19.12.1990. The acquisition was carried out for the public purpose namely for extension of Sector 4 and 5, Karnal.

3. Being dissatisfied with the award, some of the other landowners preferred reference petition under Section 18 of the 1894 Act, which came to be decided vide order dated 31.08.1993 and the market value was assessed @ Rs.90/- per sq. yard.

4. Thereafter, the appellants-landowners, who did not choose to file reference under Section 18, preferred application under Section 28-A of the 1894 Act. The said application was decided by the Land Acquisition Collector on 22.03.2001 while granting similar market value to the tune of Rs.90/- per sq. yd in favour of the appellants-landowners based on the determination made by the learned Reference Court, besides granting other benefits. However, in the meanwhile, the award dated 31.08.1993 passed by the learned Reference Court was assailed before this Court, wherein vide decision dated 10.02.1999 passed in RFA-3192-1993, titled as “**Smt. Bindu Garg vs. State of Haryana and another**”, the market value was re-assessed @ Rs.145/- per sq. yd, later modified to Rs.147.68 per sq. yard vide order dated 02.12.2009 passed in CM-12423-CI-2009 in RFA-1346-1994.

5. Accordingly, the appellant-landowner herein sought reference under Section 28-A(3) of the 1894 Act for the purpose of award of same compensation as determined by this Court in favour of other similarly placed landowners vide **Bindu Garg's case (supra)** to tune of Rs.145/- per sq. yd. However, the same came to be rejected by the learned Reference Court vide impugned award dated 03.09.2002 merely for the reasons that before seeking reference under Section 28-A(3) of the 1894 Act, the appellant-landowner had withdrawn the amount of compensation as awarded in his favour in terms of decision dated 22.03.2001 passed by the Land Acquisition Collector in exercise of powers under Section 28-A (2) of the 1894 Act.

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

7. The reasoning recorded by the learned Reference Court is wholly misplaced. A bare reading of Section 28-A(3) of the 1894 Act shows that any person who has not accepted the award under Section 28 A(2) of the 1894 Act, may by written application to the Collector require that the matter be referred by the Collector for determination of the Court. The mere fact that the appellant-landowner had applied in writing before the Land Acquisition Collector to refer the matter for re-determination before the Court itself implies that the appellant-landowner did not accept the award passed under sub-section 2 of Section 28-A of the 1894 Act being the final and conclusive assessment of market value. Merely having received the amount of compensation in terms of award dated 22.03.2001 passed by the land Acquisition Collector would thus never tantamount to having accepted the award passed by the learned Reference Court.

8. In such circumstances, for the aforestated reasons, the award dated 03.09.2002 passed by the learned Reference Court is hereby set aside and the appeal preferred at the instance of appellant-landowner is allowed and the appellant-landowner is held entitled for award of market value @ Rs.147.68 per sq. yd. as rectified vide order dated 02.12.2009 passed in CM-12423-CI-2009 in RFA-1346-1994, along with all other statutory benefits.

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

13.01.2026
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(HARKESH MANUJA)
JUDGE

(i) Whether speaking/reasoned:

Yes/No

(ii) Whether reportable:

Yes/ No