



CM-2326-LPA-2026 in/&
LPA-935-2026 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CM-2326 & 2328-LPA-2026 in/&
LPA-935-2026 (O&M)
Date of Decision :07.04.2026

State of Haryana and others

...Appellants

Versus

Khajan Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Ms. Anu Pal, Addl. A.G. Haryana for the appellants-State.

* * *

Harsimran Singh Sethi, J. (Oral)

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1. Present application has been filed for condonation of delay of 77 days in re-filing the present appeal.

2. Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed. Delay of 77 days in re-filing the present appeal is condoned.

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3. Present application has been filed for condonation of delay of 17 days in filing the present appeal.

4. Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed. Delay of 17 days in filing the present appeal is condoned.

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5. In the present appeal, the challenge is to impugned order dated 08.10.2025 passed by the learned Single Judge of this Court in CWP-21465-2020 on the ground that the second application filed under Section 28-A of the Land Acquisition Act, 1894 (hereinafter referred to as '1894 Act') has been held to be maintainable

6. Learned counsel for the appellant-State submits that though, the said fact has been considered by the learned Single Judge and a finding to that effect has been recorded that where an appeal is pending adjudication, the decision on an application filed under Section 28-A of the 1894 Act should be kept in abeyance so that, the appeal preferred for fixing the compensation attains finality and thereafter, the application filed under Section 28-A of the 1894 Act for re-determination of compensation should be decided but even such application filed under Section 28-A of the 1894 Act, has been decided upon by the learned Single Judge itself rather than remanding the same back to the appropriate authorities on the ground that as fixation of compensation qua land acquired has already attained finality, remanding the case back will only consume time so as to grant the benefit to the private respondents, which is incorrect.

5. We have heard learned counsel for the appellant-State and have gone through the record with her able assistance.

6. The only question which has been raised for consideration is, whether second application filed under Section 28-A of the 1894 Act for re-determination of compensation amount is maintainable or not.

7. Though, learned Single Judge has decided the issue based upon the judgment of the Hon'ble Supreme Court of India in **Bharatsing S/o Gulabsingh Jakhad and others vs. State of Maharashtra and others 2018 (11) SCC 92** but, as of now, the said question was reconsidered again by the Hon'ble Supreme



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Court of India in *SLP (C) Nos.2587-2593 of 2021 titled as Andanayya and others vs. Deputy Chief Engineer and others decided on 25.03.2026* wherein, filing of second application under Section 28-A of the 1894 Act has been held to be maintainable. Relevant paragraph 25 of the said judgement is as under:-

“25.From the analysis made hereinabove on the relevant provisions of the Act and the judgments relied upon by the parties, we are inclined to hold that even a second application made under Section 28-A of the Act after the award passed by the High Court is maintainable and entitled to be considered by the Collector/LAO. We are of the view that, entertaining an earlier application filed under Section 28-A of the Act on the basis of the award of the Reference Court followed by the receipt of money, shall not act as a bar for the same applicant to seek further re-determination of compensation on the basis of the award passed by the High Court or this Court.”

8. Learned State counsel has not been able to rebut the same.
9. Once, the second application filed under Section 28-A of the 1894 Act has been held to be maintainable, the grant of benefit by the learned Single Judge in the facts and circumstances of the present case to the private respondents cannot be treated as arbitrary, illegal or beyond the jurisdiction of the learned Single Judge so as to enhance the compensation along with statutory benefits to the private respondents.
10. Keeping in view the above, no ground is made out for interference by this Court and the present appeal is accordingly dismissed.
12. Civil miscellaneous application pending, if any, is also disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

April 07, 2026
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Whether speaking/reasoned : Yes
Whether reportable : No