



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

(104)

**COCN No.2109 of 2025
Date of Decision: 04.02.2026**

KRISHAN SINGH

...PETITIONER

VS

**SUBA SINGH LAND ACQUISITION OFFICER CUM-SUB
DIVISIONAL MAGISTRATE, MOONAK, DISTRICT SANGRUR,
PUNJAB**

...RESPONDENT

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Ankur Mittal, Senior Advocate with
Ms. Kushaldeep Kaur, Advocate &
Ms. Varsha Sharma, Advocate
for the petitioner.

Mr. Gunjan Mehta, Addl. AG., Punjab &
Ms. Shiny Chopra, A.A.G. Punjab.

VIKRAM AGGARWAL, J (ORAL)

1. A helpless and hapless land loser is before this Court once again seeking, in vain, compensation for his land which was acquired but no compensation was awarded.

2. The matter relates back to the year 2006, when on 20.11.2006, a notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the '1894 Act') was issued for acquisition of land measuring 602.25 acres for construction of embankments and widening of river Ghaggar from Khanauri to Village Karail (Tehsil Moonak, District Sangrur). Declaration under Section 6 of the 1894 Act was issued on 13.04.2007. Land measuring 41 kanals 6 marlas owned by the petitioner and few others was also acquired by way of the said acquisition. However, when the award dated 12.04.2008 was announced, it transpired that compensation had been

assessed only *qua* land measuring 24 kanals 4 marlas and no compensation was assessed *qua* land 17 kanals 2 marlas.

3. Repeated representations fell on deaf ears. This led the land-losers to institute CWP No.10357 of 2015 which was disposed of vide order dated 21.05.2015 with a direction to the concerned authority to pass a speaking order. Since no speaking order was passed, COCP No.1175 of 2016 was instituted. During the pendency of the same, a speaking order dated 09.10.2017 was passed.

4. However, since, on the date of the passing of the speaking order, the 1894 Act, stood repealed, the land-losers instituted a writ petition i.e. CWP No. 28799 of 2019 praying for the grant of compensation in terms of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (for short the '2013 Act') along with damages.

5. The said writ petition was allowed vide order dated 05.10.2023 (Annexure P-1) and the following directions were passed:-

“16. Therefore, impugned order dated 09.10.2017, to the extent it determines the compensation to be awarded to the petitioners as per the enhancement assessed by this Court upon vide decision dated 12.04.2008, is liable to be set aside. Respondent No 3 is directed to pass fresh award in accordance with 2013 Act by considering 01.01.2014 as the date of notification under Section 11 thereof, within a period of three months from the date of receipt of certified copy of this order.

17. There is also substance in the argument raised by learned Counsel for the petitioners that possession was taken in 2007 itself and since then, the petitioners have been deprived from the beneficial use of their own land without any

compensation. Even in the present facts, the interest on the compensation award would be available to them only from the date of award and thus, in this situation, they are entitled to be granted damages / compensation from the date, possession was taken over from them. Reliance in this regard can be placed on R.L. Jain's case (supra) and other cases cited by the Counsel for petitioners. Relevant para of R.L. Jain's case (supra) is reproduced here under:

“18. In a case the land owner is dispossessed prior to the issuance of preliminary notification under Section 4(1) of the Act the Government merely takes possession of the land but the title thereof continues to vest with the land owner. It is fully open for the land owner to recover the possession of his land by taking appropriate legal proceedings. He is therefore only entitled to get rent or damages for use and occupation for the period the Government retains possession of the property. Where possession is taken prior to the issuance of the preliminary notification, in our opinion, it will be just and equitable that the Collector may also determine the rent or damages for use of the property to which the land owner is entitled while determining the compensation amount payable to the land owner for the acquisition of the property. The provision of Section 48 of the Act lend support to such a course of action. For delayed payment of such amount appropriate interest at prevailing bank rate may be awarded.”

18. Accordingly, respondent No 3 is also directed to determine the damages for use of the land to which the land owners are entitled in addition to determining the compensation amount payable to them in view of the discussion made hereinabove.”

6. Since the aforesaid directions were also not being complied with, the present contempt petition was instituted and during the pendency

of the same, in purported compliance of the directions issued, award dated 27.06.2024 was passed.

7. It is the case of the petitioner that the said award had been passed in willful disobedience of the directions issued by the writ Court in as much, no exercise was carried out by the Collector for determining the fair compensation as envisaged under Section 26 of the 2013 Act. It is the further case of the petitioner that the sale deeds of adjoining areas were not considered and that use and occupation charges were granted only till 2018 whereas they should have been granted till 2024. It is further the case of the petitioner that though the compensation of the land acquired was assessed as Rs.21,95,000/- per acre in the award passed earlier, the same has now been assessed as Rs.13,15,000/- per acre.

8. Learned Senior counsel has strenuously urged that the action of the respondents is in violation of the directions issued by the Writ Court.

9. *Per contra*, learned Additional Advocate General, Punjab, on instructions submits that the petitioner shall have to avail its remedies. However, on a pointed query having been put to learned Addl. Advocate General Punjab, he could not justify the award and could not convince the Court that the same has been passed in terms of the directions and the statutory provisions.

10. Be that as it may, having argued at some length, learned Senior Counsel submits that the petitioner would wish to avail other remedies as would be admissible in law for the redressal of his grievances, particularly keeping in view the insensitive stand taken by the State.

11. The instant contempt petition is accordingly disposed of in the above terms. Needless to assert that any delay caused while pursuing the

instant contempt petition would not be taken to be an impediment in pursuing other remedies, though, the said issue, if it so arises, would be decided in accordance with law.

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

(VIKRAM AGGARWAL)
JUDGE

February 04, 2026
Rekha

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