

2026:PHHC:083035



201-u IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-13345-2025 (O&M)
Decided on:-25.05.2026

Jasmat and others

....Petitioners.

vs.

State of Haryana and another

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.Sunil Bhardwaj, Advocate,
for the petitioners.

Ms. Komal Sharma, DAG, Haryana.

HARKESH MANUJA J. (Oral)

1. By way of present writ petition, challenge has been laid to an order dated 15.09.2017 (Annexure P-1) passed by the Land Acquisition Collector-cum-District Revenue Officer, Jind.

2. Briefly stating, certain land owned by the petitioners forming part of the revenue estate of village Ponkar Kheri, Tehsil and District Jind, came to be acquired vide notifications dated 18.03.2009 and 24.08.2009 under Sections 4 and 6 respectively of the Land Acquisition Act, 1894 (for short, "**1894 Act**", followed by an award dated 04.03.2010 passed by the Land Acquisition Collector (for brevity, "LAC"), whereby, the market value was assessed @ Rs.8,00,000/- per acre for *Nehri* land and Rs.9,36,000/- per acre for *Chahi* land along with other statutory benefits.

3. Being aggrieved, some of the landowners preferred objections under Section 18 of the 1894 Act, which were partly accepted vide decision dated 29.04.2013 and the market value was enhanced to Rs.10,00,000/- per acre for all kinds of land along with other statutory benefits.

3.1 Based upon aforesaid determination dated 29.04.2013, the petitioners-landowners approached the office of LAC-cum-DRO, Jind by moving an application under Section 28-A of the 1894 Act on 24.07.2013, for the purpose of seeking parity of market value/compensation. The said application was allowed by the LAC-cum-DRO, Jind on 15.09.2017 and the petitioners-landowners herein were awarded similar benefit to the tune of Rs.10,00,000/- per acre with all other statutory benefits. During pendency of the application under Section 28-A of the 1894 Act before the LAC, the other landowners approached this Court and preferred Regular First Appeals, which were partly accepted and the market value was enhanced to Rs.11,25,000/- per acre by this Court vide decision dated 22.07.2015 passed in ***RFA-6524-2013***, titled as ***“Mahinder and others v. State of Haryana”***.

4. The short grouse raised on behalf of the petitioners in the present writ petition is that once the application under Section 28-A of the 1894 Act preferred at the instance of petitioners-landowners was pending with the LAC, who was party to the Regular First Appeals before this Court and was very well aware of the factum of enhancement made by this Court @ Rs.11,25,000/-, the petitioners-landowners were required to be granted the same benefit as assessed in favour of the other landowners, rather than, restricting the determination as assessed by the learned Reference Court only, and as such, the present writ petition needs to be allowed.

5. On the other hand, learned counsel representing the respondents

submits that there was an inordinate delay on the part of the petitioners-landowners while approaching this Court as the present writ petition against the order dated 15.09.2017 passed by respondent No.2 was filed in May 2025. Learned State counsel also submits that the present writ petition was even not maintainable as an alternative statutory remedy in terms of Section 28-A(3) of the 1894 Act was available to the petitioners-landowners. No other argument has been addressed.

6. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioners.

7. In the present case, it has not been disputed that the Regular First Appeals preferred at the instance of other landowners as against the award dated 29.04.2013 passed by the learned Reference Court were partly accepted and vide decision dated 22.07.2015, this Court enhanced the market value of the acquired land from Rs.10,00,000/- to Rs.11,25,000/- per acre.

7.1 A perusal of record (at page 38 of the paper book) further shows that the LAC-cum-DRO (Irrigation), Jind was even a party respondent No.2 before this Court in the Regular First Appeal. Thus, respondent No.2 was conscious of the fact that the market value with respect to the acquired land was finally re-assessed @ Rs.11,25,000/- per acre by this Court vide decision dated 22.07.2015. In such circumstances, respondent No.2 while adjudicating upon the application under Section 28-A of the 1894 Act preferred at the instance of petitioners-landowners was required to keep in mind the determination made by this Court vide order dated 22.07.2015 and accordingly similar benefit was required to be granted

in favour of the petitioners-landowners i.e. @ Rs.11,25,000/- per acre along with other statutory benefits.

8. In view of the discussion made above, the present writ petition stands allowed and respondent No.2 is directed to grant compensation to the petitioners, at the rate of Rs.11,25,000/- per acre as assessed by this Court vide order dated 22.07.2015, besides all other statutory benefits and interest under the Act. The necessary benefits be accordingly released to the petitioners within two months from today.

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

25.05.2026

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No