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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No. 28367 of 2019 (O&M)
Date of Decision: 16.02.2026

Parmeshwari (since deceased) through LRs

.... Petitioner

Versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Shailendra Jain, Senior Advocate, assisted by
Mr. Rahul, Advocate
for the petitioner.

Mr. Abhinav Kalia, Deputy Advocate General, Haryana
for respondent Nos. 1 & 2.

Mr. Vishal Garg, Advocate
for respondent No. 3-HSIIDC.

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HARKESH MANUJA, J. (ORAL)

The present writ petition came to be filed with the following prayer:-

> *" Civil Writ Petition Articles 226/227 of Constitution of India praying for issuance of a Writ in the nature of Mandamus directing the respondents No. 2 and 3 to pass a supplementary award regarding orchard with fruit bearing trees and to the respondent No. 3 to pay the amount of compensation along with all statutory benefits under Section 23 (1-A), 23 (2) and 34 of the Land Acquisition Act, 1894 for the same to the petitioner, in the interest of justice, equity and fair play."*

[2] In the present case, some land owned by the petitioner, forming part of the revenue estate of Village Naharpur Kasan, Tehsil Manesar, District Gurugram was notified under Section 4 read with

Section 17 (2) (C) of the Land Acquisition Act, 1894 **(for short "the Act")** on 17.09.2004; followed by declaration under Section 6 thereof on 27.10.2004. The land was acquired for the public purpose for setting up of Chaudhary Devi Lal Industrial Model Township, Phase-V, Manesar. The possession of the land besides the structures and trees etc. was taken over by the respondents on 09.03.2006. The relevant clause from the award dated 09.03.2006 is extracted hereunder (at page No. 18 of the paper-book):-

> *" __6. POSSESSION OF LAND__:-*
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> *This office has received following CWP's in which Hon'ble High Court has stayed dispossession of the petitioners.*
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> *17298/04, 17308/04, 17281/04, 3574/05, 17707/04, 6169/04, 17368/04, 17704/04, 17460/04, 17459/04, 17343/04, 17278/04, 17309/04, 17384/04, 17369/04, 17254/04, 17229/04, 5639/05, 17855/04, 17393/04, 17126/04, 18215/04, 17733/04, 1003/06, 17253/04, 17522/04, 17276/04 (Annexure-B).*
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> *Therefore, the possession of area in these writ petitions has not been taken. The possession of the land, excluding the khasra No. involved in above writ petitions, has been taken over and handed over to the HSIDC Department. The land of which possession has been taken after offering compensation, now-vests in HSIDC Department free from all encumbrances.* ***__The possession of the structures will be taken after announcing the supplementary award__****."*

[3] Thereafter, since no supplementary award was passed regarding the trees or super-structure etc., the present writ petition came to be filed by the petitioner-landowner. During its pendency, respondent No. 2 (The District Revenue Officer-cum-Land Acquisition Collector, Gurugram) passed supplementary award dated 23.07.2021 with respect to the super-structure, tubewells, trees etc. and other structures etc. with the following stipulation regarding the taking over of possession made there-under (at Page No. 137 of the paper-book):-

> *" POSSESSION:-*
>
> *The possession of the fruit bearing trees described above have been taken and handed over to Sh. Vineet Malik, Asstt. Manager (IA), HSIIDC IMT, Manesar after offering the compensation to the interested persons. Now these fruit bearing fruit vests in HSIIDC Ltd. free from all encumbrances from today."*

[4] At this stage, the plea raised on behalf of learned Senior Counsel representing the petitioner is that though the market value assessed in terms of the supplementary award was disbursed in favour of the petitioner-landowner, however, the complete benefits under Section 23 (1-A) of the Act were never released. While referring to the supplementary award dated 23.07.2021, learned Senior Counsel submits that the benefits there-under in terms of Section 23 (1-A) of the Act were calculated from the date of notification under Section 4 of the Act to the date of award and not upto the date of supplementary award. Learned Senior Counsel thus submits that since the original award was passed on 09.03.2006, whereas the supplementary award was passed much later on 23.07.2021; the benefit under Section 23 (1-A) of the Act was required to be calculated from the date of notification under Section 4 of the Act upto the date of passing of the supplementary award and as such, the calculation made by respondent No. 2 was incorrect. Learned Senior Counsel contends that the respondents are liable to pay the benefit of Section 23 (1-A) of the Act in favour of the petitioner-landowner at the rate of 12% per annum as an additional amount on the award from the date of notification under Section 4 of the Act till the passing of the supplementary award.

[5] On the other hand, learned counsel for the respondents submit(s) that since the original award was passed on 09.03.2006, the petitioner-landowner was entitled for the benefit under Section 23 (1-A) of the Act only from the date of issuance of notification under Section 4 of the Act upto the date of passing of the award and not upto the date of supplementary award. Learned counsel thus submits that since the claim of the petitioner stands fully satisfied, no case for interference to accept the prayer made in the present petition was made out.

[6] After hearing learned counsel for the parties and having gone through the paper-book, I find substance in the submission(s) made on behalf of the petitioner.

[7] From the perusal of record, it can be discerned that the supplementary award with respect to the assessment and grant of market value regarding buildings, super-structures, trees, wells, tubewells etc. was passed on 23.07.2021 and the vesting thereof was upon the offer of compensation to the interested persons in terms of the said supplementary award. At this stage, Section 23 (1-A) of the Act being relevant to the controversy is re-produced hereunder:-

> ***" Section 23(1) of The Land Acquisition Act, 1894***
> *(1) XXXXXX*
> ***[(1-A)*** *In addition to the market value of the land, as above provided, the Court shall in every case award an amount calculated at the rate of twelve per centum per annum on such market value for the period commencing on and from the date of the publication of the notification under section 4, sub-section (1), in respect of such land to the date of the award of the Collector or the date of taking possession of the land, whichever is earlier.*
>
> *Explanation. In computing the period referred to in this sub-section, any period or periods during which the proceedings for the acquisition of the land were held up on account of any stay or injunction by the order of any Court shall be excluded.]"*

In the given circumstances, as per the plain language of Section 23 (1-A) of the Act, the benefit there-under at the rate of 12% per annum on the market value under the supplementary award was required to be calculated from the date of notification under Section 4 of the Act upto the date of passing of the said supplementary award especially when the possession of trees, structures tubewells etc. vested with the respondents only upon passing of the said supplementary award as so depicted there-under. Pertinently, the term "award" for the purposes of trees, structures, well etc. regarding benefit under Section 23 (1-A) of the Act needs to be the supplementary award vide which the market value of the trees, super-structure and tubewell etc. was assessed and became payable.

[8] Accordingly in view of the discussion hereinabove, the petitioner-landowner is held entitled to benefit under Section 23 (1-A) of the Act at the rate of 12% over the market value assessed vide award dated 23.07.2021 from the date of notification under Section 4 of the Act till the date of passing of the said supplementary award.

[9] Considering the fact that the notification under Section 4 of the Act in the present case was issued on 17.09.2004, the necessary calculations by the respondents be carried within two months from the date of receipt of certified copy of this order and the due amount be released to the petitioner within one month thereafter. In case the needful is not done within the stipulated period, respondent No. 2 shall be liable to pay costs of Rs.50,000/- per month to the petitioner from his/her own pocket for the delay, which shall not be treated as a burden upon the State Exchequer.

[10] **Disposed of** accordingly.

[11] Pending miscellaneous application(s), if any, shall also stand disposed off.

February 16, 2026 **(HARKESH MANUJA)**
'dk kamra' **JUDGE**

Whether Speaking/reasoned	*Yes/No*
Whether Reportable	*Yes/No*