

2026:PHHC:029719



132 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Decided on:-24.02.2026

1. CR-7327-2019 (O&M)

NawalPetitioner..

vs.

State of Haryana and othersRespondents.

2. CR-7332-2019 (O&M)

Ram Kumar and anotherPetitioners..

vs.

State of Haryana and othersRespondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Mohit Garg, Advocate for the petitioner(s).

Mr. Abhinav Kalia, DAG, Haryana.

Mr. P.S. Saini, Advocate with
Ms. Surbhi Rana, Advocate,
for respondents No.2 and 3.

HARKESH MANUJA J. (Oral)

1. This common judgment shall dispose of the aforementioned two connected civil revision petitions, as both involve common questions of law and facts.

1.1 For convenience, the facts are being taken from **CR-7327-2019 (O&M)**.

2. By way of present revision petition, challenge has been laid to

an order dated 11.11.2009 passed by the Court of learned Additional District Judge, Nuh, vide which, the reference petition preferred at the instance of petitioner in terms of Section 18 of the Land Acquisition Act, 1894 (**for short, “1894 Act”**), was dismissed for want of prosecution.

3. In the present case, the acquisition proceedings commenced vide notification dated 11.01.2005, issued under Section 4 of the 1894 Act with respect to certain land forming part of the revenue estate of Village Dingharheri, Tehsil Tauru, District Gurgaon. The award under Section 11 of the 1894 Act was passed by the Land Acquisition Collector on 26.05.2006. Aggrieved thereof, the petitioner(s) sought reference under Section 18 of the 1894 Act, however, the same was dismissed for want of prosecution on 11.11.2009. The said order came to be impugned before this Court by way of the aforementioned two revision petitions after a gap of about 10 years.

4. Learned counsel for the petitioner(s) submits that the other similarly placed landowners pertaining to the same acquisition proceedings have been granted the benefit of damages on account of severance of land in terms of decision dated 07.07.2022 passed in RFA-11 of 2021 (O&M) titled as **“Haryana State Industrial and Infrastructure Development Corporation Ltd. vs. Suraj Mal and others”**, and as such, he prays for setting aside of the order dated 11.11.2009 passed by the learned Reference Court so that the petitioner(s)-landowner(s) can avail similar benefits.

5. On the other hand, learned counsel appearing on behalf of the respondent(s) submits that there is a delay of about 10 years in filing of the present revision petition(s), as such, the same is liable to be dismissed on the ground of delay and laches alone and thus, no interference is called for in the

impugned order dated 11.11.2009 passed by the learned Reference Court.

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

7. It has not been disputed that vide decision dated 07.07.2022 passed in RFA-11 of 2021, this Court while dealing with the determination of market value pertaining to the same acquisition proceedings, upheld the award passed by the Land Acquisition Collector, however, damages on account of severance of land were awarded in favour of the landowners.

8. In such circumstances, keeping in mind the principle of entitlement of the landowner(s) towards just and fair compensation as against compulsory acquisition, the impugned order dated 11.11.2009, is hereby set aside. Adopting pragmatic approach, rather than going by technicalities, the reference petition(s) preferred at the instance of petitioner(s) is ordered to be restored to its original number(s).

9. It may also be noticed that once a reference petition has been forwarded by the Land Acquisition Collector to the Reference Court in exercise of powers under Section 18 of the 1894 Act, the same needs to be decided on merits, rather than, rejection of the same on technical reasons.

9.1 However, to balance the equities and while keeping in mind that there has been inordinate delay of about 10 years on the part of the petitioner(s)-landowner(s) for having assailed the order dated 11.11.2009 passed by the learned Reference Court, the landowners shall not be entitled for the benefit of statutory interest for the said period of delay i.e. from 11.11.2009 till the date of filing of the present petition(s). Accordingly, the present revision petitions are disposed of in the above terms. The parties are

directed to appear before the learned Reference Court on 18.03.2026.

10. The learned Reference Court is requested to decide the reference petition(s) on merits by granting opportunity to both the parties to lead their respective evidence. The needful exercise be concluded within a period of one year from today, as the acquisition proceedings in the present case commenced vide notification dated 11.01.2005 issued under Section 4 of the 1894 Act.

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

24.02.2026
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Whether speaking/reasoned:
Whether reportable:

Yes
Yes

(HARKESH MANUJA)
JUDGE