

125

2026.PHHC:081478



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-35753-2019 and other connected cases

Date of Decision: May 22, 2026

DALIP SINGH

.....Petitioner

Versus

LAND ACQUISITION COLLECTOR AND ANOTHERRespondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sandeep Panwar, Advocate for the petitioner.

Mr. Abhinav Kalia, DAG, Haryana.

HARKESH MANUJA, J. (ORAL)

By way of the present petition, the petitioner prays for issuance of writ:

- i) In the nature of certiorari for quashing of the orders dated 21.05.2013 (Annexure P-2) and 04.09.2015 (Annexure P-4) passed by respondent No.1 i.e. Land Acquisition Collector-cum-DRO, Kaithal whereby applications preferred at the instance of petitioner(s)-landowner(s) under Section 28-A of the Land Acquisition Act, 1894 (for short '*the Act*').
- ii) In the nature of mandamus directing the respondents to release compensation for the acquired land of the petitioner as per judgment dated 12.03.2014 (Annexure P-3) passed by the Hon'ble Supreme Court.

2. Briefly stating, some land owned by the petitioner-landowner forming part of revenue estate of village Azeemgarh, Tehsil Gulha, District Kaithal came to be acquired for public purpose namely, "*BML Hansi Branch Butana Branch Multi Purpose Link Channel*" vide notifications dated

18.08.2005 and 13.09.2005 issued under Sections 4 and 6 of the Act respectively. Award under Section 11 was passed by the Land Acquisition Collector (for short '*the LAC*') on 27.12.2005 whereby, the market value was assessed @ Rs.7,50,000/- per acre for *Nehri* and *Chahi* land and @ Rs.15,00,000/- per acre for *Gair Mumkin* land besides all other statutory benefits.

3. Being dissatisfied with the determination of compensation, some of the other landowners filed objections under Section 18 of the Act which were partly accepted vide award dated 02.01.2009 and the market value with respect to *chahi/nehri* nature of land was enhanced to Rs.9,00,000/- per acre. Aggrieved thereby, the said award dated 02.01.2009 was assailed before this Court which, vide judgment dated 23.03.2011 further enhanced the market value to Rs. 9,50,000/- per acre for *chahi/nehri* kind of land while maintaining the compensation awarded for *gair mumkin* category of land. Based upon the determination made by this Court, the petitioner-landowner preferred an application under Section 28-A of the Act before respondent No.1 on 14.06.2011, i.e., within a period of three months from the date of the judgment rendered by this Court. However, the said application came to be rejected on the ground of limitation, while also observing that the benefit under Section 28-A of the Act could be claimed only on the basis of the original award passed by the learned Reference Court.

4. In the meanwhile, still aggrieved by the determination made by this Court, certain landowners preferred Civil Appeal Nos. 3934–3951 of 2014 (arising out of SLP (C) Nos. 27646–27663 of 2011) before the Hon'ble Supreme Court, which vide judgment dated 12.03.2014 further enhanced the compensation from Rs.9,50,000/- to Rs.11,00,000/- per acre, without interfering with the compensation awarded for *gair mumkin* category of land. Pursuant

thereto, the petitioner again invoked the provisions of Section 28-A of the 1894 Act on the strength of the aforesaid judgment dated 12.03.2014; however, the said application was dismissed vide order dated 04.09.2015. Thereafter, the petitioner-landowner instituted execution proceedings on 16.09.2015 seeking enforcement of the judgment dated 12.03.2014 but since no effective relief could be secured therefrom, the said execution petition ultimately came to be withdrawn and dismissed as such.

5. In the aforesaid circumstances, ld. counsel for the petitioner submits that no efficacious statutory remedy now survives to the petitioner, thereby necessitating invocation of the writ jurisdiction of this Court assailing the orders dated 12.05.2013 and 04.09.2015 passed by the Land Acquisition Collector dismissing the application under Section 28-A of the Act.

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 petitioner-landowner.

7. The observation made by respondent No.1 while passing the impugned orders to the effect that the petitioner-landowner could have invoked Section 28-A of the Act only on the basis of award passed by the Reference Court, goes in conflict with the decision rendered by the Hon'ble Apex Court in case of ***“Banwari and Others Versus Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) and Another”*** reported as ***“2025 AIR Supreme Court 165”***. The relevant paragraph Nos.15 and 16 thereof are extracted hereunder for reference:-

“15. In the present case, it is not in dispute that the First Appeal which was allowed by the High Court vide judgment and order dated 2nd May 2016 was in respect of the land which was covered by the same notification under which notification the appellants' land is also covered. It is also not in dispute that the amount awarded by the High Court in the said First Appeal is in excess of the amount

awarded by the Collector under Section 11 of the 1894 Act in the case of the land of the appellants. It is also not in dispute that the appellants had not made an application to the Collector under Section 18 of the 1894 Act. It is also not in dispute that the application made by the appellants under Section 28A of the 1894 Act to the Collector was within a period of three months from the date of the judgment and order of the High Court.

16. *From the perusal of the judgment of this Court in the case of Pradeep Kumari and Others (supra), it is clear that the limitation for moving the application under Section 28A of the 1894 Act will begin to run only from the date of the award on the basis of which redetermination of the compensation is sought. The appellants are seeking redetermination of the compensation on the basis of the judgment and order of the High Court in First Appeal No.429 of 2023 dated 2nd May 2016. It is not disputed that the application of the appellants under Section 28A of the 1894 Act is within a period of three months from 2nd May 2016.”*

8. Furthermore, reliance is also placed upon the decision rendered in the case of **“Andanayya and Ors. Versus Deputy Chief Engineer and Ors.”**, reported as **2026(2) RCR (Civil) 502** wherein the Hon’ble Supreme Court held 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.*

26. *It is the doctrine of merger that comes into application in such circumstances. The benefit of an enhanced compensation received by a landowner, consequent to the final award passed by the appellate forum, would also extend to similarly placed landowners who seek redetermination of compensation under Section 28-A of the Act. To put it differently, when ‘A’ obtains an award from the Reference Court, ‘B’ can also receive the benefit of the same by invoking Section 28-A of the Act. Similarly, when ‘A’ receives an enhancement from the High Court or this Court, ‘B’ is also entitled to receive the same enhancement, notwithstanding the earlier receipt of money under Section 28-A of the Act based upon the award of the Reference Court. The decision of this Court in Pradeep Kumari (supra) has to be understood and*

applied only in a context when multiple awards come to be passed by the Reference Court itself and not in the present context when a subsequent award is passed by the High Court or by this Court. Ultimately, the object of Section 28-A of the Act is to maintain parity and equality between the similarly placed landowners in the payment of compensation. The question of estoppel, waiver or acquiescence would thus not arise, in view of the statutory prescriptions under Section 28-A of the Act.”

9. A conjoint reading of the judgments rendered by the Hon’ble Supreme Court in the case of ***Banwari (supra)*** and ***Andanayya (supra)*** makes it manifest that the benefit under Section 28-A of the 1894 Act is not restricted to the determination made by the Reference Court alone, but extends to subsequent appellate adjudications rendered by the High Court or the Hon’ble Supreme Court concerning land covered under the same acquisition notification. The period of limitation for seeking re-determination would commence from the award/judgment forming basis of such claim. Further, by virtue of the doctrine of merger, similarly situated landowners who had not sought reference under Section 18 remain entitled to parity in compensation corresponding to the final determination of market value, and an earlier exercise of remedy under Section 28-A would not operate as a bar against claiming consequential enhancement flowing from a later appellate adjudication.

10. In view of the aforesaid, once it has been held by the Hon’ble Apex Court that application under Section 28-A of the Act can be invoked by the petitioner-landowner, even by placing reliance upon award passed by the Hon’ble Apex Court, the orders dated 21.05.2013 and 04.09.2015 passed by respondent No.1 i.e. Land Acquisition Collector-cum-DRO, Kaithal being unsustainable in law are hereby set aside. The application dated 06.05.2014 made in terms of the order dated 12.03.2014 being within statutory period of 90 days is therefore allowed. The petitioner-landowner are thus held entitled for the

market value @ Rs.11,00,000/- per acre for *chahi/nehri* land in terms of the decision dated 12.03.2014 rendered by the Hon’ble Apex Court against his acquired land besides award of all other statutory benefits and interest. Such benefits be released to the petitioner within 3 months from today or else, the respondent-LAC shall be liable to pay cost of Rs.50,000/- per month and the petitioner shall be entitled for revival of the present writ petition.

- 11. Accordingly, the present writ petition is disposed of.
- 12. A photocopy of this order be placed on connected case files.

22.05.2026
Tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>