



236-Urgent

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

**Civil Revision No. 7456 of 2025 (O&M)
Date of Decision: 21.05.2026**

Hukam Chand

..... Petitioner

Versus

Haryana State Industrial and Infrastructure Development
Corporation @ The Haryana State Industrial Development
Corporation through its Managing Director and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sumeet Jain, Advocate
for the petitioner.

Ms. Surbhi Rana, Advocate for
Mr. Pritam Singh Saini, Advocate
for respondent Nos. 1 & 2-HSIIDC.

Ms. Komal Sharma, Deputy Advocate General, Hayana
for respondent Nos. 3 & 4.

HARKESH MANUJA, J. (ORAL)

By way of present revision petition, challenge has been made to an order dated 29.08.2022 (Annexure P-1) passed by the learned Additional District Judge, Gurugram (**hereinafter referred to as “Reference Court”**), whereby the statutory interest was denied on the enhanced compensation qua the land which was inadvertently left out in the reference petition.

[2] Briefly stating, land measuring 18 kanals 05 marlas owned by the petitioner along with his co-sharers situated within the revenue estate of village Harsaru, Tehsil & District Gurugram was acquired vide notifications dated 29.01.2003 and 28.01.2004 issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (**hereinafter referred to as “1894 Act”**)

respectively, for the public purpose, namely, “for setting up of industrial Complex to be planned & developed as Special Economic Zone. Award No. 6 dated 27.01.2006 was passed by the Land Acquisition Collector.

[3] Aggrieved thereof, the petitioner preferred reference under Section 18 of the 1894 Act, which came to be disposed of vide decision dated 17.05.2012 and the market value was enhanced to Rs.31,50,000/- per acre. Subsequently, the aforesaid market value was enhanced to Rs.40,80,000/- per acre vide judgment dated 23.09.2014 passed by this Court in a bunch of appeals, lead case of which was ***RFA No. 2174 of 2012***, titled “***Smt. Savitri Devi Vs Land Acquisition Collector and others***”. The said decision was challenged and the Hon’ble Apex Court vide its judgment dated 31.03.2015 passed in ***Civil Appeal No(s).3412 of 2015 of 2021***, titled “***Sachin and others Vs. State of Haryana and others***” enhanced the compensation to Rs.47,60,000/- in respect of village Harsaru.

[4] The short point involved in the present petition is that on account of an inadvertence instead of giving details about 13 kanals 15marlas of land claiming 81/2475th share of the same, the petitioner inadvertently mentioned the details of other about 4 kanals 10 marlas only. Later, having come to know of the aforesaid mistake, an application came to be filed before the learned Reference Court, which was partially allowed vide order dated 29.08.2022 by the learned Reference Court while denying the interest with the following observations:-

“13. In view of the above said circumstances, to prevent the abuse of the process of law, this Court can always allow the amendment in the description of the land which has been acquired by the State to facilitate the rightful owner to get the dues from the Government because the land has been taken away by the Government against

the wishes of the petitioner, for which he should not be deprived of the compensation on mere technicality.

14. *However, since the petitioner has also kept sleeping over his right qua the enhanced compensation regarding the land comprised in rect. no. 36, killa no. 13/1 (4-10), measuring 4 kanals 10 marlas, to the extent of 30/810th situated within the revenue estate of Village Harsaru since the filing of the reference petition till 19.4.2016, (the date of filing of the present application), he would not be entitled to the interest on the enhanced compensation qua the land bearing Rect.No.36, Killa No.2/2(0-17),8(2-0),9/1(5-6), 12/2(5-12), total measuring 13 Kanals 15 marlas, to the extent of 90/2475 share, as mentioned in statement No.19 (Ex.R1). The finding on issue No.1 is returned in favour of the petitioner with an embargo that he would not be entitled to the interest on the enhanced compensation regarding the land proposed to be added in the description of land in the reference petition No. 1065/2008/2011 decided vide award dated 17.5.2012 till the filing of the petition i.e. till 19.4.2016. The findings on issue No.2 is also returned against the respondents.*

RELIEF:

15. *As a sequel to my above discussion, the present petition is allowed. The petitioner is entitled to enhanced compensation regarding the land bearing Rect.No.36, Killa No.2/2(0-17),8(2-0),9/1(5-6), 12/2(5-12), total measuring 13 Kanals 15 marlas, to the extent of 90/2475 share, situated in village Harsaru, Tehsil and Distt. Gurgaon. However, petitioner would not be entitled to the interest on the enhanced compensation qua the land bearing Rect.No.36, Killa No.2/2(0-17),8(2-0),9/1(5-6), 12/2(5-12), total measuring 13 Kanals 15 marlas, to the extent of 90/2475 share since the filing of the reference petition till 19.4.2016, the date of filing of the present application. Memo of costs be prepared accordingly. File be consigned to record room after due compliance.”*

[5] Learned counsel for the petitioner submits that once the learned Reference Court having placed reliance upon Section 19 of the 1894 Act,

has found him entitled for award of market value for the entire land measuring 13 kanals 15 marlas to the extent of his 81/2475th share, there was no justification to deny interest on the amount of compensation against the entire land i.e including the land which could not be mentioned specifically in the original reference petition.

[6] On the other hand, learned counsel for respondent-HSIIDC opposes the prayer made on behalf of the petitioner while submitting that the petitioner cannot derive benefit of his own mistake. She submits that the petitioner-landowner having failed to provide the details about the entire land in the reference petition, the respondents cannot be made to suffer or burden with interest.

[7] I have heard learned counsel for the parties and gone through the paper book.

[8] Relying upon the provisions of Section 19 of the 1894 Act which casts obligation upon the LAC to provide the details of land acquired, in its response to the petition under Section 18 of the 1894 Act, the learned Reference Court has rightly observed that the petitioner cannot be made to suffer for the same, however, the learned Reference Court went wrong while declining the benefit of interest on the enhanced compensation *qua* the entire land.

[9] Once, the learned Reference Court has recorded that the petitioner was entitled to enhanced compensation regarding the entire land measuring 18kanals 05 marlas bearing Rectange No. 36 killa no.2/2(0-17), 8(2-0), 9/1(5-6), 12/2(5-12) and Rect No.36, Killa No.13/1(4-10), there was no justification to deny the benefit of interest against the enhanced compensation *qua* the entire aforementioned land. As per Section 19 of the

1894 Act, it is the Land Acquisition Collector, who in its statement under Section 19 has to provide the details of the extent of the acquired land to the learned Reference Court, however, in the present case, the LAC even failed to provide the complete details.

[10] In such circumstances, once the Land Acquisition Collector even failed to provide the complete details of land in the statement under Section 19 of the 1894 Act, the petitioner-landowner cannot be made to suffer on this count. In this regard, reliance can be placed upon decision dated 21.02.1991 passed by the Hon'ble Supreme Court in case “**Ram Kumar and others vs. Union of India and others**”, reported as **1991 AIRSCW 818**. The relevant portion of **Ram Kumar's case (supra)** is reproduced hereunder:-

“Under Sec, 18 of the Act the only requirement for the person interested who had not accepted the award was to move a written application to the Collector requiring that the matter be referred for the determination of the Court. One of the grounds for not accepting the award was the amount of compensation. Once such application was moved it was the duty of the Collector to make a reference to the Court. Under S. 19 of the Act while making the reference the Collector was required to state for the information of the Court the particulars as mentioned in Clauses (a) to (d) of sub-sec. (1) of S. 19 of the Act. Thus it was the duty of the Collector to mention not only the situation and extent of land but even particulars of any trees, buildings or standing crops thereon. The agriculturist whose land is acquired may not be fully conversant with the Khasra No. or area as entered in the Revenue records and the Union of India or the State acquiring such land should not be allowed to take any advantage of such ignorance of the agriculturists. Once an application is moved

for making a reference under S. 18 of the Act it becomes the duty of the Collector to send full information to the Court regarding the entire land acquired and it is thereafter the duty of the Court to decide the matter in accordance with law.”

[11] Accordingly, in view of the discussion made herein above and also on account of the exposition of law laid down in **Ram Kumar’s case (supra)**, the present petition is **allowed**. Resultantly, the impugned order dated 29.08.2022 is hereby set aside and the petitioner-landowner is held entitled for award of interest on the enhanced compensation *qua* the complete land measuring 13 kanals 15 marlas, to the extent of 81/2475 share. However, the petitioner shall not be entitled to interest for the delayed period 1303 days in filing RFA No. 916 of 2016 as mentioned in the order dated 28.03.2016 (Annexure P-5) passed therein. The other co-sharers of petitioner shall also be entitled for award of similar benefits. The amount due to the landowner be released to him within two months from today by the concerned Land Acquisition Collector, else, the officer shall be liable to pay cost of Rs.50,000/- towards delay and litigation expenses.

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

May 21, 2026
'dk kamra'

(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>