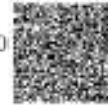


2026 PHHC 013360



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-34947-2025

Date of Decision: January 29, 2026

LAL SINGH AND OTHERS

.....Petitioners

Versus

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ram Bilas Gupta, Advocate for the petitioner.

Mr. Komal Sharma, DAG, Haryana.

Mr. Shivendra Swaroop, Advocate
for respondent No.2-HSVP.

HARKESH MANUJA, J. (ORAL)

The petitioners, by way of present petition, seek issuance of directions to the respondents to pay the compensation of their acquired land, as per judgment dated 11.03.2019 (Annexure P-2) passed by the Hon'ble Apex Court in ***Civil Appeal No. 2736 of 2019***, titled "***Balwant Singh (D) Through LRs Gurbinder Singh Versus The State of Haryana & Others***", especially in accordance with the terms set out by respondent No. 3-Land Acquisition Collector, HSVP, Urban Estate, Faridabad (**for brevity "LAC"**) vide its award/order dated 10.04.2013 (Annexure P-1).

[2] Briefly stating, the land owned by the petitioners, situated within the revenue estate of Village Ajronda, Tehsil and District Faridabad was acquired vide Notification dated 03.07.1995 issued under Section 4 of the Land Acquisition Act, 1894 (**hereinafter to be referred as "1894 Act"**) followed by Notification dated 02.07.1996 issued under Section 6 thereof.

An award under Section 11 dated 29.06.1998 was passed by LAC. Being aggrieved, certain other landowners preferred reference under Section 18 of the 1894 Act whereby compensation was re-assessed @ Rs.795/- per square yard vide award dated 16.08.2012 passed by the learned Additional District Judge, Faridabad.

[3] The petitioners being the landowners relating to the same acquisition proceedings preferred reference under Section 28-A of the 1894 Act. During its pendency, other landowners, who had earlier preferred reference under Section 18 of the 1894 Act, wherein compensation was re-assessed @ Rs.795/- per square yard vide award dated 16.08.2012, assailed the same. While such appeals were pending, the LAC, vide its award dated 10.04.2013 disposed off the application filed under Section 28-A of the 1894 Act by the petitioners by granting them the benefit of similar compensation i.e Rs.795/- per square yard having noticed the award dated 16.08.2012 passed by the learned Reference Court.

[4] The petitioners have filed representation dated 13.09.2021 (Annexures P-3) before the LAC for release of the compensation of the acquired land, but no action has been taken. Hence, the present writ petition.

[5] In the present writ petition, it has been prayed that as an outcome of the pending adjudicatory process, the compensation now stands finally re-assessed by the Hon'ble Apex Court vide its decision dated 11.03.2019 passed in Balwant Singh's case (supra), whereby the market value of the lands situated in Village Ajronda was assessed @ Rs.1210/- per square yard, as such the petitioners were also entitled for the same benefit as awarded to the other landowners relating to the same

acquisition proceedings and thus, the award dated 10.04.2013 passed by respondent No.3 was liable to be modified.

[6] Mr. Shivendra Swaroop, Advocate appeared and filed short reply on behalf of respondent No.2-HSVP.

[7] Prayer made on behalf of the petitioners has been opposed at the instance of learned counsel representing respondent No.2 by submitting that the benefits under the award dated 10.04.2013 passed by the LAC already stood released in favour of the petitioners-landowners way back in September, 2013 and if at all the petitioners were aggrieved on the point of quantum of compensation, the remedy available to them was of invoking Section 28-A(3) of the 1894 Act to seek reference by making an application before the learned LAC.

Learned counsel for respondent No. 2 thus submits that in the wake of specific alternative remedy being available to the petitioners, the present writ petition being devoid of merit was thus liable to be dismissed. It is also submitted that the present writ petition was barred by delay and laches.

[8] I have heard learned counsel for the parties and gone through the paper book with their able assistance.

[9] In the present case, undisputedly, the petitioners never ever preferred any reference under Section 18 of the 1894 Act and only claimed the benefit under Section 28-A thereof. The learned LAC vide its award dated 10.04.2013 allowed their application with the following observations:

“Hence, I accept the arguments advanced by the Ld. Counsel as well as Ld. DDA, HUDA and allow the present application on the following conditions:-

1. *That the petitioner shall be entitled to the amount of compensation @ Rs. 795/- per sq. yards along with all statutory benefits under the provisions of Land Acquisition Act.*
2. *That this order of re-determination shall not be applicable in case where the remedy u/s 18 of L.A. Act has been availed by the petitioner except the reference petition under section 18 filed by the petitioner had been dismissed on the ground of delay.*
3. *That the petitioners will have to furnish indemnity bond or adequate surety equivalent to amount of compensation re-determined in this case. This Indemnity bond/security shall be operative till the final decision of the Hon'ble Supreme Court in SLPs filed by the land owners/State. The judgement of the Hon'ble Supreme Court shall be applicable. The petitioners shall abide by the order of any decrease /increase in amount of compensation as and when the same is made by the Hon'ble Supreme Court*
4. *That the dealing official shall prepare the claim of the petitioners in the present case after proper verification from the record regarding ownership, land entitlement and filing of reference petition u/s 18 of the Act immediately.*
5. *That no amount shall be payable to petitioner in respect of land of khasra number 1181 and 1183 which has been decided on 14.05.2010 in L.A. Case No.92/07."*

A perusal thereof shows that the LAC though being fully conscious of the fact that the determination made by learned Reference Court vide its award dated 16.08.2012 in exercise of powers under Section 18 of the 1894 Act was not final, yet in order to avoid any unnecessary financial burden upon the respondent-State against statutory interest towards delay in making payment; rather than awaiting final adjudication, went on to decide the reference preferred under Section 28-A of the 1894 Act at the instance of the petitioners-landowners while awarding them the benefit @ Rs.795/- per square yard along with all other statutory benefits. The LAC vide its decision dated 10.04.2013 directed the petitioners-landowners to furnish indemnity bond or surety bond for release of re-determined compensation. Thus, the intent and effect of the decision

dated 10.04.2013 by the LAC was clear and explicit to the effect that the petitioners being landowners were entitled for the benefit of market value, in terms of any final adjudication made in relation to the same very acquisition and not merely @ Rs.795/- per square yard as determined by the learned Reference Court.

[10] Be that as it may, once a specific direction was issued by the LAC with respect to the furnishing of indemnity bond or adequate surety equivalent to the amount of compensation re-determined/payable to the petitioners so as to safeguard the rights of the respondents in case of any reduction of market value during the pending adjudicatory process in appeal qua the award dated 16.08.2012, the intent and effect of his decision dated 10.04.2013 was never to put the petitioners-landowners to any disadvantageous position but was merely to bind them and the respondents on the point of payment of compensation to the landowners in terms of the final determination. Thus, in such circumstances, the plea raised on behalf of respondent No.2 with respect to the availability of alternate remedy under Section 28-A(3) of the 1894 Act was wholly misplaced as no such remedy was required to be availed in the given facts.

[11] In view of aforesaid discussion, present writ petition is allowed and the petitioners are held entitled to the award of compensation @ Rs.1210/- per square yard, as directed by the LAC vide its order dated 10.04.2013 and in terms of judgment of Hon'ble Apex Court passed in case of Balwant Singh (supra) qua the final determination of the market value relating to the present acquisition besides grant of all other statutory benefits as available under the provisions of the 1894 Act.

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

29.01.2026

Tejwinder

(HARKESH MANUJA)
JUDGE

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