

CWP No.37308 of 2025 (O&M)

2026:PHHC:046173



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

215-U

CWP No.37308 of 2025 (O&M)

Date of Decision:23.03.2026

BALWANT SINGH (NOW DECEASED) THROUGH LRS.....Petitioners**Vs****STATE OF PUNJAB AND OTHERS****....Respondents****CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA***

Present: Mr. Sunny K. Singla, Advocate
for the petitioner(s).

Mr. Gunjan Mehta, Addl. A.G., Punjab.

Mr. Shubham Kaushik, Advocate
for respondent No.4.

HARKESH MANUJA, J. (Oral)

The petitioners, by way of present petition, seek quashing of an order dated 19.02.2025 (Annexure P-5) passed by respondent No. 2-Land Acquisition Collector, Mohali (**for short "LAC"**), whereby their application under Section 28-A of the Land Acquisition Act, 1894 (**for short "the Act"**) stands rejected being barred by limitation.

[2] Briefly stating, some land owned by the petitioner(s)-landowner(s) forming part of the revenue estate of Village Raqba, Tehsil and District Ludhiana, came to be acquired vide notifications dated 13.06.2001 & 10.06.2002 issued under Sections 4 & 6 of the Act respectively for the public purpose of setting up a New Grain Market at Mullapur Dakha, District Ludhiana. An Award under Section 11 of the Act was announced by the LAC on 13.11.2003 and the compensation was determined at the rate of Rs.6 lakhs per acre besides grant of other statutory benefits. Aggrieved thereof, some of the other landowners preferred reference



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under Section 18 of the Act, which came to be decided on 24.12.2013 (Annexure P-1) by the learned Reference Court while determining the market value of the acquired land at the rate of Rs.10,00,000/- per acre.

[3] Based on the aforesaid award, the petitioners preferred an application under Section 28-A of the Act before respondent No.2-LAC on 30.03.2022 (Annexure P-2), which came to be dismissed being barred by limitation vide order dated 19.02.2025 (Annexure P-5). Hence, the present writ petition.

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

[5] A perusal of the record shows that, based on the Award dated 24.12.2013 passed by the learned Reference Court, the petitioner(s)-landowner(s) preferred an application under Section 28-A of the Act on 30.03.2022 before respondent No.2-LAC, which was apparently filed beyond a period of three months from the date of award passed by the learned Reference Court. Moreover, it has also come on record that aggrieved of the determination dated 24.12.2013 by the learned Reference Court, the other landowners approached this Court by preferring Regular First Appeals for further enhancement, and the same are still pending for adjudication. One of such appeals, as pointed out by the learned counsel for petitioner(s), is RFA-8830-2014 etc.

[6] It may be noticed here that, in terms of law laid down by the Hon'ble Apex Court in *Banwari and others vs. Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) and another* reported as "2025(1) RCR (Civil) 232", the petitioners-landowners have the right to invoke Section 28-A of the Act even in pursuance of the final determination made by this Court in



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the pending Regular First Appeals, preferred at the instance of petitioners-landowners pertaining to the same acquisition. Relevant paragraph Nos.15 & 16 of the aforementioned judgment are extracted hereunder:-

“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 28-A 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 (supra), it is clear that the limitation for moving the application under Section 28-A 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 28-A of the 1894 Act is within a period of three months from 2nd May 2016.”

Further, the decision made in the case of **Banwari and others** (supra) has also been followed by the Division Bench of this Court in case of **‘Union of India and another vs. The Special Land Acquisition Collector-cum-Sub-Divisional Magistrate, Pathankot and others, 2025(3) RCR (Civil) 786.**

[7] Moreover, in terms of **Bharatsing S/o Gulabsingh Jakhad & Ors. Vs. State of Maharashtra & Ors.,** reported as **“2018(11) SCC 92”**, once the Regular



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First Appeals preferred at the instance of the other landowners qua the determination of market value pertaining to the same acquisition proceedings were pending before this Court, it was more appropriate for respondent No.2 to wait for the final outcome of such appeals rather than adjudicating upon the application preferred under Section 28-A of the Act at the instance of the petitioners/landowners. Relevant paragraphs Nos.15 to 17 of the aforementioned judgment are extracted hereunder:-

“15. In the case of the appellants, when their Section 28A application was decided, based on awards in LAR Nos. 123 and 129 of 1983, the very same awards were pending in appeal before the High Court. However, the Collector proceeded to consider their application and decided the same on 25.10.2000. Thereafter, fresh application under Section 28A was filed on 27.05.2009 based on the judgment of the High Court dated 23.03.2009. It was this application that was held to be not maintainable, being a second application.

16. Though there is no quarrel with the principle that only a single application is maintainable, in the instant case, unfortunately, the High Court omitted to take note of the fact that the appeals on the relied on awards were pending when the Section 28A application was decided. That is the special and distinctive factual position in the instant case. It must also be kept in mind that Section 28A is a beneficial provision.

17. The Section 28A application dated 31.12.1992 based on the awards in LAR Nos. 123 and 129 of 1983 was decided on 25.10.2000 when the appeals therefrom were pending. The Collector ought to have kept the application pending till the appeals were decided on 23.03.2009. On principle, the High Court is correct and justified in the view taken in the impugned judgment that there cannot be successive applications under Section 28A in view of Pradeep Kumari (supra). But that is not the point arising for consideration here. No doubt, the second application dated 27.05.2009 for re-fixation in light of the appellate court judgment is not maintainable. However, since the Collector is also at fault in deciding the



application when the matter was pending in appeal, we are of the view that in the peculiar facts of the instant case, the application dated 31.12.1992 should be considered afresh. Accordingly, the appeal is disposed of as follows. The Land Acquisition Collector is directed to consider afresh the Section 28A application dated 31.12.1992 and pass orders in the light of the judgment of the High Court dated 23.03.2009 in First Appeal Nos.569 and 570 of 1997 on the file of the High Court of Bombay, Bench at Aurangabad. For enabling the Collector to pass orders as above, the order dated 25.10.2000 is set aside. However, the amounts already paid are to be duly adjusted.”

[8] As such, in view of the aforesaid facts and circumstances and the exposition of law by the Hon’ble Supreme Court in cases of *Bharatsing (supra)* as well as *Banwari and others (supra)*, once the petitioner(s)-landowner(s) was entitled to make application under Section 28-A of the Act on the basis of determination made by this Court in the pending Regular First Appeals, their pending claim qua re-determination of compensation was not to be declined while rejecting their application filed under Section 28-A of the Act being time barred. Furthermore, the fact that the Regular First Appeals preferred at the instance of few other landowners are still pending adjudication.

[9] In such circumstances, the impugned order dated 19.02.2025 passed by respondent No. 2 is hereby set aside. Respondent No. 2 is directed to re-examine the application dated 01.11.2019 preferred by the petitioners-landowners seeking re-determination of compensation based on the final determination to be made by this Court in the pending Regular First Appeals arising out of this very acquisition within two months from the decision in said appeal(s). It is made clear that the application dated 30.03.2022 preferred under Section 28-A of the Act at the instance of petitioners-landowners shall not be declined being time barred. It is



further made clear that in case the Regular First Appeals preferred at the instance of other landowners are dismissed, the petitioners-landowners shall be entitled for the benefit of enhancement on the basis of award dated 24.12.2013 passed by the learned Reference Court alongwith all other statutory benefits and interest provided under the Act within two months of the adjudication by respondent No. 2.

[10] This Court is of the firm opinion that the petitioners-landowners, at this stage, are entitled for similar compensation at the rate of Rs.10,00,000/- per acre on parity basis, as granted to the other landowners alongwith other statutory benefits provided under the Act as per award dated 24.12.2013 passed by the learned Reference Court. The said amount be disbursed to the petitioners within two months from the date of receipt of certified copy of this order subject to furnishing indemnity bonds to the LAC to the effect that in case the amounts are reduced in the Regular First Appeals pending before this Court, they shall refund the same.

[11] **Disposed off** accordingly.

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

March 23, 2026
Atik

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No