

(2025) 09 P&H CK 0863

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 2493 Of 2024 (O&M)

Hardwari (Since Deceased) Thr. His Lrs And Others

APPELLANT

Vs

Haryana State Industrial And Infrastructure Development
Corp. Ltd. And Another

RESPONDENT

Date of Decision : 29-09-2025

Acts Referred:

Land Acquisition Act, 1894 — Section 4, 6, 18, 28A

Citation : (2025) 09 P&H CK 0863

Hon'ble Judges : Harkesh Manuja, J

Bench : Single Bench

Advocate : Chanderhas Yadav, Pritam Singh Saini, Komal Sharma

Final Decision : 2018 (1) RCR (Civil) 497"

Judgement

Harkesh Manuja, J

1. Present petition has been filed with the following prayer:-

"....issuance of direction in the nature of Certiorari for quashing the order dated 20.10.2023 (P-4) passed by Ld. District Revenue Officer-cum-Land Acquisition Collector, Jhajjar, while passing the same, laid down by law the Hon'ble Division Bench of the Hon'ble High Court in case titled as "Prem Singh Versus State of Haryana and another" (P-6) was not taken into consideration. Therefore, the said order deserves to be set aside.

It is also prayed that during the pendency of the present petition the respondents may kindly be restrained from enforcing condition No.3 of the operative part of the impugned order (P-4), in the interest of justice.

2. The limited grouse of the petitioners-landowners is that rather than adjudicating upon the reference petition, preferred under Section 28-A of the Land Acquisition Act, 1894 (hereinafter referred to as "1894 Act"), the Land Acquisition Collector, Jhajjar, should have kept the proceedings in abeyance till

the final determination of the market value.

3. In the present case, some land owned by the petitioners, situated in the revenue estate of village Mandauthi, Tehsil Bahadurgarh, District Jhajjar, came to be acquired vide notifications dated 11.07.2006 and 28.09.2006 issued under Sections 4 & 6 respectively of the 1894 Act, followed by an award dated 16.01.2007, whereby, the market value of the acquired land was assessed @ Rs.12,50,000/- per acre. Some of the other landowners approached the Id. Reference Court having invoked Section 18 of the 1894 Act, whereby, the market value was enhanced to Rs.15,50,896/-per acre vide determination dated 01.06.2013.

3.1 Aggrieved thereof, the landowners preferred Regular First Appeals. In the meanwhile, the petitioners-landowners, who had not approached the Id. Reference Court for invoking Section 18 of the 1894 Act, sought re-determination upon a petition preferred under Section 28-A of the 1894 Act, filed before the Land Acquisition Collector, Jhajjar in July 2013. Instead of waiting for the determination of market value by this Court in the pending RFAs, the Land Acquisition Collector, Jhajjar decided the reference under Section 28-A of the 1894 Act, preferred at the instance of petitioners-landowner vide its decision dated 20.10.2023, while granting them the benefit of award dated 01.06.2013 passed by the Id. Reference Court. Hence, the present writ petition.

4. Learned counsel for the petitioners submits that, in terms of the law laid down by the Hon'ble Apex Court in case of "Bharat Sing vs. State of Maharashtra and others", 2018 (1) RCR (Civil) 497, the Land Acquisition Collector, Jhajjar ought to have waited the final determination of compensation. Accordingly, the award dated 20.10.2023 is liable to be set aside, with restoration of the proceedings before the Land Acquisition Collector, Jhajjar itself.

5. On the other hand, learned counsel appearing on behalf of respondent No.1 submits that no interference is called for in the present case, as the Land Acquisition Collector, Jhajjar has duly safeguarded the rights of the petitioners-landowners as well as respondent No.1-HSIIDC while making the following observations:-

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4. The petitioners shall abide by the order of any decrease in amount of compensation is determined by the Hon'ble Superior Courts in pending appeals in view of above said law laid down by the Hon'ble Apex Court in UOI Vs. Munshi Ram (Supra). However, if any increase in amount of compensation is determined later on by the Hon'ble Superior Courts, the HSIIDC shall have to pay the same compensation to the petitioners with no requirement of any request thereof from the petitioners. It will save the extra burden of interest and unexpected round of litigation for the State as well as HSIIDC and the land owners as well as no

second application under Section 28-A for payment of higher compensation is maintainable in view of law laid by the Hon'ble Apex Court in case of Bharat Sing s/o Gulab Singh Jakhad Vs. State of Maharashtra & Ors decided on 12.12.2017 (Supra)."

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

7. In the light of determination made herein-above by the Land Acquisition Collector, Jhajjar, it is apparent that the rights of the petitioners-landowners as well as respondent No.1-HSIIDC have been duly safeguarded/protected with respect to any subsequent increase or decrease towards the determination of market value in the ensuing appeals.

7.1 While taking the aforesaid observations into consideration, besides taking into account the determination made by this Court vide its decision dated 27.03.2025 passed in RFA-3025-2014 titled as "Sultan and others vs. State of Haryana and others", whereby, the market value for the present acquisition has been assessed at Rs.23,30,190/- per acre besides maintaining the other statutory benefits/interest including the severance damages, the petitioners-landowners, as on today, are held entitled to the same market value of Rs.23,30,190/- per acre along with all other benefits awarded to the similarly placed landowners arising out of the same acquisition proceedings.

8. It has been brought to the notice of this Court by learned counsel for both the sides that the aforesaid determination made by this Court vide decision dated 27.03.2025 passed in RFA-3025-2014, is pending consideration before the Hon'ble Apex Court by way of SLP Diary No.46388-2025, titled as "Sultan vs. State of Haryana".

8.1 It is made clear that, in terms of the observations made by the Land Acquisition Collector, Jhajjar in its order dated 20.10.2023, the parties shall remain bound by the final determination to be made by the Hon'ble Apex Court in the aforesaid pending SLP.

9. In view of the discussion made herein above, the present petition is disposed of. Respondent No.1 is directed to release the benefit of award as well as enhanced amount of compensation in favour of the petitioners-landowners within two months from today. It is made clear that in case the needful is not done, respondent No.1 shall be liable to pay costs of Rs.1 lakh to the petitioners-landowners and the cost shall be borne by the Managing Director-HSIIDC from his own pocket and not by the State. It is also made clear that in case the compensation amount is not released in favour of the petitioners-landowners in terms of the aforesaid order, the Deputy Commissioner, Jhajjar shall be liable to recover the cost of Rs.1 lakh from the Managing Director, HSIIDC, Jhajjar as arrears of land revenue and submit a report before this Court.

10. Pending applications, if any, also stand disposed of.

Copy of this order be forwarded to the Managing Director, HSIIDC, Jhajjar for

necessary compliance.