



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

**Civil Writ Petition No. 21465 of 2020 (O&M)
Date of Decision: 08.10.2025**

Khajan Singh and another

..... Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Virender Singh Punia, Advocate
for the petitioners-landowners.

Mr. Abhinav Kalia, Deputy Advocate General, Haryana
for the respondents.

HARKESH MANUJA, J. (ORAL)

The petitioners-landowners, by way of present writ petition, seek setting aside of an order dated 30.05.2017 passed by respondent No. 2 (District Revenue Officer-cum-Land Acquisition Collector, District Jind), whereby their second application filed under Section 28-A of the Land Acquisition Act, 1894 (**for brevity "1894 Act"**) was dismissed.

[2] In the present case, certain land owned by the petitioners situated in the revenue estate of Village Baroda, Tehsil Narwana, District Jind alongwith the land owned by other landowners came to be acquired vide Notification dated 21.11.1997 issued under Section 4 of the 1894 Act. An Award under Section 11 of the 1894 Act was passed by respondent No. 2 on 02.07.1998 while granting market value at the rate of Rs.1,30,000/- per acre. The acquisition was for the purpose of construction of Barsola Minor (Feeder).

[3] Although the petitioners did not assail the award dated 02.07.1998, however, some other landowners invoked Section 18 of the 1894 Act, praying for re-assessment of compensation. Vide Award dated 24.01.2006, learned Additional District Judge, Jind (**hereinafter referred to as “Reference Court”**) enhanced the market value to Rs. 3 lakhs per acre, besides, award of other benefits.

[4] Based on the aforesaid Award dated 24.01.2006, the petitioners preferred application (Annexure P-1) under Section 28-A of the 1894 Act seeking re-determination of compensation in their favour at the rate of Rs. 3 lakh per acre. Respondent No. 2, vide order dated 04.11.2008 (Annexure P-2), allowed the aforesaid application and granted the benefit of the market value at the rate of Rs. 3 lakh per acre.

[5] However, the aggrieved landowners, who had approached the Reference Court, came to this Court and preferred Regular First Appeals. Vide decision dated 19.01.2011 passed in **RFA-2564-2005** “titled **“Kailasho & Ors. Versus State of Haryana”**, this Court remanded the matter back to the learned Reference Court for fresh adjudication. In compliance thereof, learned Reference Court decided the land references afresh vide award dated 22.12.2011, re-assessing the market value at the same rate of Rs. 3 lakhs per acre.

[6] Despite their continued grievances, the landowners approached this Court again by filing Regular First Appeal(s). Consequently, vide decision dated **23.04.2016** (Annexure P-3) passed in **RFA-2176-2012**, titled **“Rajinder Versus State of Haryana”**, this Court re-assessed the market value @ Rs.3,78,467/- per acre.

[7] Considering the subsequent development, the petitioners-landowners filed a fresh application/petition under Section 28-A of the 1894 Act before respondent No. 2 to seek re-determination of compensation on the basis of decision dated 23.04.2016 passed in *Rajinder's case (supra)*, vide which the market value had been enhanced to Rs. 3,78,467/- per acre.

[8] The aforesaid application preferred at the instance of petitioners was dismissed by respondent No. 2 vide order dated 30.05.2017 (Annexure P-5), while holding that the second application / petition under Section 28-A of the 1894 Act was not maintainable. Hence, the present writ petition.

[9] Learned counsel for the petitioners submits that once, the Regular First Appeals filed by other landowners against the Reference Court's Award dated 24.01.2006 were pending before this Court, respondent No. 2 should have waited for the final outcome before adjudicating the application under Section 28-A of the 1894 Act preferred at the instance of petitioners-landowners. He thus submits that the very first application filed by the petitioners should have been restored for its fresh adjudication in terms of the decision dated 23.04.2016 passed in *Rajinder's case (supra)*.

[10] On the other hand, learned State Counsel contends that the petitioners-landowners were estopped by their own act and conduct as the order on their first application under Section 28-A of the 1894 Act was passed on 04.11.2008 (Annexure P-2) and it was never challenged before any Court of law; whereas the fresh application under Section 28-A of the 1894 Act based on the decision passed by this Court on 23.04.2016 was filed only in the month of October 2016. He thus submits that the application was rightly declined by respondent No. 2 and therefore, no ground is made out to

entertain the prayer made in the petition.

[11] After hearing learned counsel for the parties and having gone through the paper-book, I find substance in the submission(s) made on behalf of the petitioners.

[12] It is admitted that the Regular First Appeals arising out of the decision dated 24.01.2006 passed by the learned Reference Court were pending adjudication before this Court, which were disposed off only on 19.01.2011. In such circumstances, respondent No. 2 (District Revenue Officer-cum-Land Acquisition Collector, District Jind) should have waited for the final outcome of those Regular First Appeal(s) before adjudicating upon the application under Section 28-A of the 1894 Act preferred at the instance of petitioners. Therefore, placing reliance upon the decision rendered in case of ***“Bharatsing S/o Gulabsingh Jakhad & Ors. Versus State of Maharashtra & Ors.”***, 2018 (11) SCC 92, first application preferred under Section 28-A of the 1894 Act at the instance of petitioners-landowners needs to be re-visited in light of the final determination made by this Court in ***Rajinder’s case (supra)***. In support of the said view, relevant para-17 of the decision passed in ***Bharatsing’s case (supra)*** is extracted hereunder:-

“ 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. ”

[13] Moreover, it may be pointed out here that, as per the decision rendered by the Hon'ble Apex Court in ***Bharatsing's case (supra)***, respondent No. 2 was obligated to wait for the final outcome regarding the determination of compensation before proceeding further with the application under Section 28-A of the 1894 Act filed by the petitioners. Therefore, the petitioners cannot be non-suited on the ground of estoppel by their conduct. Furthermore, the fresh determination in terms of order dated 23.04.2016 passed by this Court would further the cause of justice and align with the purpose and objective of the statutory scheme under the provisions of the 1894 Act, which aims to provide just and fair compensation to all similarly placed landowners in unity.

[14] In view of the aforesaid discussion and the stated proposition of law, the first application filed by the petitioners under Section 28-A needs to be restored. However, since the petitioners have been in the process of seeking similar compensation for quite some time, rather than sending them back to the Land Acquisition Collector, they are held entitled to the enhanced compensation at the rate of Rs. 3,78,467/- per acre, along with all statutory benefits awarded to the other similarly placed landowners

especially, when the adjudication regarding compensation has already become final.

[15] The petition is **allowed** accordingly. Amount payable to the petitioners be credited to them alongwith update statutory interest and other benefits, within two months from the receipt of certified copy of this order; in default respondent No. 2 shall be liable to pay costs of Rs. 1,00,000/- (One Lakh only) to the petitioners, which shall be borne by him/her from own pocket without it being a burden on the State exchequer.

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

October 08, 2025

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**(HARKESH MANUJA)
JUDGE**

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