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RFA No.1819 of 2006 (O&amp;M)

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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RFA No.1819 of 2006 (O&M)  
Date of Decision: 08.09.2025

RAJINDER KUMAR

.....Appellant

Vs

STATE OF HARYANA AND ORS.

...Respondent(s).

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Sushil K. Sharma, Advocate  
for the appellants/landowner.

Mr. Abhinash Jain, D.A.G., Haryana.

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*HARKESH MANUJA, J. (Oral)*

[1]. By way of present appeal, challenge has been laid to the decision dated 06.02.2006 passed by the learned Addl. District Judge, Hisar (hereinafter to be referred as the 'Reference Court'), whereby Reference Petition filed under Section 18 of the Land Acquisition Act, 1894 (for short 'the Act') at the instance of landowner was rejected being barred by limitation.

[2]. Briefly stating, in the present case, some land owned by the appellant/landowner situated within the revenue estate of village Hisar Hadbast No.146, Tehsil and District Hisar, came to be acquired vide Notifications dated 20.08.1992 and 17.08.1993 issued under Sections 4 & 6 of the Act respectively for the public purpose of development and utilization of the land for residential purposes, followed by Award No.1 passed by the Land Acquisition Collector (for short 'the LAC') on 19.01.1995 in terms of Section 11 of the 1894 Act, thereby determining the market value of the acquired land to be Rs.1,50,000/- per acre for



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chahi land and Rs.42,000/- per acre for *gair mumkin* land. The compensation in terms of the aforementioned award was released in favour of the appellant/landowner on 21.09.1999.

[3]. Aggrieved of the assessment made by the learned Land Acquisition Collector, the appellant-landowner filed Reference under Section 18 of the Act, which was forwarded to the learned Reference Court, however the same came to be dismissed vide decision dated 06.02.2006; being time barred.

[4]. Impugning the aforesaid order, learned counsel for the appellant/landowner submits that in the present case no notice of the Award or a copy thereof as contemplated under Section 12(2) of the 1894 Act was ever served upon the appellant/landowner. It has also been pointed out that the learned Reference Court went wrong while non-suiting the appellant by recording that he was having knowledge about the acquisition proceedings as notice under Section 9 of the 1894 Act was served upon him and a reply thereto even been filed before the LAC. Learned counsel further submits that notice under Section 9 of the 1894 Act cannot be equated with the notice under Section 12(2) of the 1894 Act and, thus the order passed by the Reference Court was liable to be set aside.

[5]. On the other hand, learned State counsel submits that in the facts and circumstances of the case, no illegality can be found with the reasoning recorded by the learned Reference Court as the reference preferred under Section 18 of the 1894 Act at the instance of appellant/landowner was clearly barred by limitation. Learned State counsel further submits that the Award under Section 11 of the 1894 Act in the present case was passed on 19.01.1995 by the learned LAC whereas the reference was filed on 03.02.2000; though the payment of compensation was



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released to the appellant/landowner on 21.09.1999 and he was having complete knowledge of the acquisition proceedings having filed reply to the notice under Section 9 of the 1894 Act served upon him; thus the present appeal was liable to be dismissed.

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

[7]. Before delving upon the issue in hand, it is necessary to go through the provisions of Sections 9 and 12(2) of the 1894 Act, the same are reproduced as under:-

**Section 9 of 1894 Act**

*“Notice to persons interested. –*

*(1) The Collector shall then cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take possession of the land, and that claims to compensations for all interests in such land may be made to him.*

*(2) Such notice shall state the particulars of the land so needed, and shall require all persons interested in the land to appear personally or by agent before the Collector at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice), and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests, and their objections (if any) to the measurements made under section 8. The Collector may in any case require such statement to be made in writing and signed by the party or his agent.*

*(3) The Collector shall also serve notice to the same effect on the occupier (if any) of such land and on all such persons known or believed to be interested therein, or to entitled to act for persons so interested, as reside or have agents authorized to receive service on their behalf, within the revenue district in which the land is situate.*

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*(4) In case any person so interested resides elsewhere, and has no such agent, the notice shall be sent to him by post in letter addressed to him at his last known residence, address or place or business and [registered under sections 28 and 29 of the Indian Post Office Act, 1898 (6 of 1898)].*

**Section 12(2) of 1894 Act**

*12(2) The Collector shall give immediate notice of his award to such of the persons interested as are not present personally or by their representatives when the award is made.”*

[8]. Admittedly, in the present case, the Award under Section 11 of the 1894 Act was passed on 19.01.1995 and compensation in pursuance thereof was released to the appellant/landowner on 21.09.1999. Thereafter reference under Section 18 of the 1894 Act was preferred at the instance of appellant/landowner on 03.03.2000 i.e. within 06 months of the receipt of payment of compensation which in fact can be attributed as the date of knowledge of the contents of Award to the appellant/landowner. Perusal of record shows that no notice under Section 12(2) of the 1894 Act with respect to passing of the Award or even about the contents thereof was ever served upon the appellant/landowner by the respondents. No such finding was even recorded against the appellant and in favour of respondents by the learned Reference Court.

[9]. Further, the learned Reference Court went wrong while non-suiting the appellant on the ground that he was having knowledge about the acquisition proceedings; merely having filed reply to the notice under Section 9 of the 1894 Act served upon him. The said reasoning recorded by the learned Reference Court was legally unsustainable. Perusal of the provisions reproduced in the preceding part reflect that notice under Section 9 of the 1894 Act is served upon the person



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interested only to call upon him for the purposes of verification of nature of interest in the land and the claims as regards the compensation for such interest. The notice under Section 9 of the 1894 Act or filing of reply in response thereto cannot by any stretch of imagination be substituted against the notice under Section 12(2) of the 1894 Act which is for a specific and categoric purpose for making the person interested, who could not present himself or through representative at the time of passing of Award; of the contents of the Award.

[10]. In the present case no such finding has been recorded by the learned Reference Court that the landowner was ever served with the notice under Section 12(2) of the 1894 Act and in such circumstances, the order dated 06.02.2006 passed by the learned Reference Court whereby the Reference Petition preferred under Section 18 of the 1894 Act at the instance of the appellant/landowner was dismissed being barred by limitation, is hereby set aside as the same was admittedly filed within six months of the date of receipt of compensation by the landowner.

[11]. Further on the issue of quantum of market value of the acquired land, learned counsel for the parties are ad *idem* that the matter with respect to the determination of market value stands finally adjudicated upon by the Hon'ble Apex Court vide its decision dated 19.04.2016 passed in *Civil Appeal Nos.4243-4254 of 2016* titled as *"Ramo Bai & Ors. vs. State of Haryana and Ors."* whereby the similarly situated landowners pertaining to the same acquisition proceedings have been held entitled for the enhanced amount of compensation @ Rs.325/- per square yard, along with all statutory benefits. Relevant paragraph No.7 thereof is extracted hereunder:-

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*“7. Therefore, all these appeals are partly allowed holding that appellants will be entitled to the land value fixed at Rs.325/- per Sq.Yd. alongwith all statutory benefits. However, the appellants shall not be entitled to any statutory benefits for the period of delay in filing the special leave petitions and the period of delay in refilling the special leave petitions after curing the defects.”*

[12]. Accordingly, the present appeal is allowed in terms of the aforementioned decision i.e. *Ramo Bai & Ors.*’ case (supra) and the appellant/landowner is held entitled for similar amount of market value @ Rs.325/- per sq. yard as has been awarded to other similarly situated landowners; along with all statutory benefits and interest available under the amended provisions of Land Acquisition Act, 1894 as applicable to the present acquisition.

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

September 08, 2025

*Atik*(HARKESH MANUJA)  
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No