

2025:PHHC:104253



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

**RFA-3463-1999 (O&M)
DECIDED ON:-11.08.2025**

Smt. Narinder Kaur

....Appellant..

vs.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rakesh Nagpal, Advocate,
for the appellant.

Mr. Abhinash Jain, DAG, Haryana,
for respondent-State.

HARKESH MANUJA J.

1. By way of present appeal, challenge has been laid to the decision dated 30.07.1999 passed by the Land Acquisition Collector, Urban Estate, Haryana, Panchkula, on an application preferred at the instance of appellant having invoking Section 28-A of the Land Acquisition Collector, 1894 (for brevity, "1894 Act").

2. In the present case, some land owned by the appellant, situated in the revenue estate of village Patti Kaisth Seth Kaithal, came to be acquired vide notifications dated 25.09.1989 and 24.09.1990 issued under Sections 4 & 6 respectively of the 1894 Act, for the public purpose, namely for the development and utilization of the land for residential, commercial and industrial area in Sector 19-II, Kaithal. Award under Section 11 of the

1894 Act by the Land Acquisition Collector was announced on 26.02.1992, while assessing the market value @ Rs.1 lac per acre. Though, the appellant did not assail the award dated 26.02.1992, however, certain other land owners pertaining to the same acquisition sought enhancement of compensation having preferred references under Section 18 of the 1894 Act, which were disposed of vide decision dated 10.03.1997, whereby, compensation @ Rs.2,16,000/- per acre along with other statutory benefits was awarded by the learned Reference Court at Kaithal.

3. Based on the aforesaid award dated 10.03.1997, the appellant sought reference under Section 28-A of the 1894 Act, which was disposed of by the Land Acquisition Collector, Panchkula, Haryana vide its decision dated 30.07.1999 granting similar benefits to the appellant.

3.1 Aggrieved thereof and while submitting that the award dated 10.03.1997 was under challenge before this Court at the instance of some other landowners, the appellant preferred the present appeal.

3.2 During the pendency of the appeal, the market value came to be enhanced to Rs.2,89,701/- per acre by this Court vide its decision dated 09.09.2008 passed in LPA No.350-2001. In such circumstances, learned counsel for the appellant submits that the appellant was also entitled for the similar benefits.

4. On the other hand, learned counsel for the respondent vehemently opposes the prayer made in the present appeal while submitting that the decision dated 30.07.1999 passed by the Land Acquisition Collector, Panchkula was required to be assailed by invoking reference in terms of Section 28-A (3) of the 1894 Act and as such, the present appeal was not

maintainable. With respect to the enhancement awarded by this Court in LPA-350-2001, learned State counsel has not been able to dispute the factual position.

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

6. A perusal of the record shows that undisputedly the market value in terms of notification dated 25.09.1989 with respect to the acquisition of land situated within the revenue estate of village Patti Kaisth Seth, Kaithal has finally been assessed @ Rs.2,89,701/- per acre by this Court vide its decision dated 09.09.2008 passed in LPA-350-2001 and in terms of law laid down by the Hon'ble Supreme Court in case ***"Banwari and others vs. Haryana State Industrial and Infrastructure Development Corporation Limited (HSIIDC) and another, 2024 INSC 951***, the appellant-landowner is also entitled for the similar benefits.

7. With respect to the non-maintainability of the present appeal, in the wake of statutory remedy being available to the appellant as per Section 28-A (3) of the 1894 Act, it may be relevant to point out here that the present appeal is pending before this Court for the past almost 26 years and thus, at this belated stage, it would cause serious prejudice to the rights of the appellant in case she is now made to withdraw the present appeal and is asked to seek reference under Section 28-A (3) of the 1894 Act by awaiting benefit under Section 14 of the Limitation Act, 1963. Moreover, the provisions of Land Acquisition Act, 1894 are based on the concept of providing fair compensation to the landowners and in the process their rights can't be defeated mere on technicalities especially in such exceptional

circumstances wherein the RFA remained pending before this Court for more than two decades; to send the appellant now at this belated stage to knock the doors of the Land Acquisition Collector again for seeking reference under Section 28-A(3) of the 1894 Act would merely be travesty of Justice.

8. In such circumstances, instead of adopting a too technical approach, taking a pragmatic route of dealing with the substantive rights, the objection raised at the instance of learned State counsel with respect to maintainability of the present appeal, is hereby rejected and the appellant(s) is held entitled to the same benefits as has finally been assessed @ Rs.2,89,701/- per acre along with other statutory benefits by this Court vide its decision dated 09.09.2008 passed in LPA-350-2001.

9. Pending application, if any, also stands disposed of.

11.08.2025

sonika

(HARKESH MANUJA)
JUDGE

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