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

CR-2513-2025

Date of Decision: August 20, 2025

MOHINDER KUMAR

.....Petitioner

Versus

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Saurabh Garg, Advocate for the petitioner.

HARKESH MANUJA, J. (ORAL)

Present revision petition has been preferred against a decision dated 12.08.2024 passed by Court of learned Addl. District Judge, Kaithal whereby, execution application preferred at the instance of petitioner-landowner has been declined.

In the present case, land measuring 17 marlas situated within revenue estate of Village Patti Kaisth Seth, Tehsil and District Kaithal owned by the petitioner came to be acquired vide notification dated 19/07/2002 issued under Section 4 of Land Acquisition Act, 1894 (hereinafter referred to as '1894 Act') followed by notification dated 17/07/2003 under Section 6 thereof. Award No.4 was announced by the Land Acquisition Collector, Hisar on 16/07/2005 vide which market value was assessed at the rate of ₹5,00,000 per acre. Though, the petitioner did not assail the aforementioned award having preferred Reference Petition under Section 18 of 1894 Act, however, certain other land owners availed their remedies under Section 18 of the 1894 Act, whereupon vide award dated 07/02/2013, the learned Reference Court enhanced the market value to Rs.280 per square yard. It may be

necessary to point out here that the award dated 07/02/2013 passed by learned Reference Court was based on a decision dated 23/01/2012 passed in RFA-2218-2007.

Based on the aforesaid Reference Court award, the petitioner though, having neither preferred any Reference under section 18 or Section 28A of the 1894 Act, sought execution claiming parity towards the award of market value/compensation. In response, objections were raised on behalf of the respondents while stating that the petitioner has neither invoked Section 18 nor Section 28A of 1894 Act and thus, he was not entitled for grant of similar compensation. It was also pointed out that even none of the other co-shares of the petitioner in the joint khewat i.e. khewat No.252 was ever granted the benefit of enhanced compensation at the rate of Rs.280 per square yard and thus, the petitioner was not entitled to claim similar benefits. Upon consideration, learned Executing Court vide its decision dated 12/08/2024, dismissed the execution application being not maintainable, hence the present revision petition.

I have heard learned counsel for the petitioner and gone through the paper book

As a matter of fact, it has not been disputed that none of the other co-shares of petitioner in khewat No.252 has ever been awarded any benefit of enhanced composition at the rate of Rs.280 per square yard on account of acquisition of land forming part of notification dated 19/07/2002 and 17/07/2003 followed by award No.4 dated 16/07/2005. Moreover, the petitioner has neither availed his remedies under Section 18 of the 1894 Act nor even gone on to prefer any application under Section 28A thereof and thus, no illegality or perversity can be

found with the decision rendered by the learned Additional District Judge, Kaithal while passing the impugned order.

Accordingly, the present revision petition being devoid of merit is dismissed, however, petitioner in case fulfils the mandatory essentials of Section 28-A of 1894 Act, shall always be at liberty to avail his such remedies.

20.08.2025

Tejwinder

**(HARKESH MANUJA)
JUDGE**

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