

2025:PHHC:131676



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

**CR-674-2025 (O&M)
Decided on:-19.09.2025**

Surender Singh @ Surender Kumar

....Petitioner..

vs.

State of Haryana and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sumeet Jain, Advocate,
for the petitioner.

Ms. Komal Sharma, DAG, Haryana.

Mr. Jagdish Manchanda, Advocate with
Mr. Nischal Chetanya Manchanda, Advocate,
for respondent No.3-HSIIDC.

HARKESH MANUJA J. (Oral)

1. By way of present revision petition, prayer has been made for setting aside of order dated 21.11.2024 (Annexure P-1) passed by the Court of Ld. Additional District Judge, Gurugram (for short, "Reference Court").

2. Briefly stating, land measuring 73 kanals 05 marlas owned by the petitioner along with his co-sharers situated within the revenue estate of village Nakhrola, Tehsil Manesar, District Gurugram was acquired vide notifications dated 17.09.2004 and 27.10.2004 issued under Sections 4 and 6, respectively of the Land Acquisition Act, 1894 (hereinafter referred to as

“1894 Act”), for the public purpose, namely, setting up of Chaudhary Devi Lal Industrial Model Township, Phase V, Manesar. Award No.12, dated 09.03.2006 was passed by the Land Acquisition Collector.

3. Aggrieved thereof, the petitioner preferred reference under Section 18 of the 1894 Act, which came to be disposed of vide decision dated 31.08.2013 and the market value was enhanced to Rs.50,43,315/- per acre. Subsequently, the aforesaid market value was reduced to Rs.48,46,000/- per acre vide judgment dated 25.05.2018 passed by this Court in RFA-3381-2013 (and other connected cases) titled as “**HSIDC (now HSIIDC vs. Roshan Lal and others**”. The said decision was upheld by the Hon’ble Apex Court vide its judgment dated 08.04.2021 passed in Civil Appeal No(s).1158 of 2021, titled as “**Ved and another vs. State of Haryana and another**”.

4. The short point involved in the present petition is that on account of an inadvertence instead of giving details about 31 kanals 3 marlas of land claiming 1/7th share of the same, the petitioner inadvertently mentioned the details of about 23 kanals 10 marlas only. Later, having come to know of the aforesaid mistake, an application under Section 151 & 152 CPC came to be filed before the Id. Reference Court, which was dismissed vide order dated 21.11.2024 with the following observations:-

“13. There is merit in the aforesaid contentions raised by Id. counsel for the petitioner. It was the duty of the Land Acquisition Collector as well as authority that acquired land to give complete particulars of the same in the statement no.19 submitted by them. They cannot shy away from performing their duty by passing the buck to owner of the land by alleging that the rightful owner has not mentioned the details of the land. The State authority had

acquired the land and it was duty casted upon them to give complete and fair description of the land so that compensation maybe granted of the acquired land to the owner. Thus, owner of the land is entitled to all rightful claim including interest.

14. As a sequel to my above discussion, the present petition is allowed. The applicant/petitioner is entitled to enhanced compensation regarding the land bearing rect no. 21 killa no.2/1/2 (2-14), rect. no. 22 killa no. 4 (7-16), 5/1 (4-4), 6(8-0), 15(8-0), 16/2/1 (0-9) total measuring 31 kanal 03 marla to the extent of 1/7 share situated in the revenue estate of village Nakhrola Tehsil Manesar Distt Gurugram alongwith all statutory benefits. However, applicant/petitioner would not be entitled to the interest on the enhanced compensation qua the land sought to be added and was left out in reference petition/statement no.19 till filing of present application i.e. 21.2.2023. The present papers be tagged with the main case file and be sent to the record room.”

5. Learned counsel for the petitioner submits that once the ld. Reference Court having placed reliance upon Section 19 of the 1894 Act, has found him entitled for award of market value for the entire land measuring 31 kanals 3 marlas to the extent of his 1/7th share, there was no justification to deny interest on the amount of compensation against the entire land i.e including the land which could not be mentioned specifically in the original reference petition.

6. On the other hand, learned counsel for respondent No.3 opposes the prayer made on behalf of the petitioner while submitting that the petitioner cannot derive benefit of his own mistake. He submits that the petitioner-landowner having failed to provide the details about the entire land in the reference petition, the respondents cannot be made to suffer or burden with interest.

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

8. Relying upon the provisions of Section 19 of the 1894 Act which casts obligation upon the LAC to provide the details of land acquired, in its response to the petition under Section 18 of the 1894 Act, the learned Reference Court has rightly observed that the petitioner cannot be made to suffer for the same, however, the ld. Reference Court went wrong while declining the benefit of interest on the enhanced compensation qua the entire land.

9. Once, the ld. Reference Court has recorded that the petitioner was entitled to enhanced compensation regarding the entire land measuring 31 kanals 3 marlas bearing rect no.21 killa no.2/1/2 (2-14), rect. no. 22 killa no. 4 (7-16), 5/1 (4-4), 6(8-0), 15(8-0), 16/2/1 (0-9), there was no justification to deny the benefit of interest against the enhanced compensation qua the entire aforementioned land. As per Section 19 of the 1894 Act, it is the Land Acquisition Collector, who in its statement under Section 19 has to provide the details of the extent of the acquired land to the ld. Reference Court, however, in the present case, the LAC even failed to provide the complete details.

10. In such circumstances, once the Land Acquisition Collector even failed to provide the complete details of land in the statement under Section 19 of the 1894 Act, the petitioner-landowner cannot be made to suffer on this count. In this regard, reliance can be placed upon decision dated 21.02.1991 passed by the Hon'ble Supreme Court in case "**Ram Kumar and others vs. Union of India and others**", reported as 1991 AIR

SCW 818. The relevant portion of **Ram Kumar's** case (supra) is reproduced hereunder:-

“Under Sec, 18 of the Act the only requirement for the person interested who had not accepted the award was to move a written application to the Collector requiring that the matter be referred for the determination of the Court. One of the grounds for not accepting the award was the amount of compensation. Once such application was moved it was the duty of the Collector to make a reference to the Court. Under S. 19 of the Act while making the reference the Collector was required to state for the information of the Court the particulars as mentioned in Clauses (a) to (d) of sub-sec. (1) of S. 19 of the Act. Thus it was the duty of the Collector to mention not only the situation and extent of land but even particulars of any trees, buildings or standing crops thereon. The agriculturist whose land is acquired may not be fully conversant with the Khasra No. or area as entered in the Revenue records and the Union of India or the State acquiring such land should not be allowed to take any advantage of such ignorance of the agriculturists. Once an application is moved for making a reference under S. 18 of the Act it becomes the duty of the Collector to send full information to the Court regarding the entire land acquired and it is thereafter the duty of the Court to decide the matter in accordance with law.”

11. Accordingly, in view of the discussion made herein above and also on account of the exposition of law laid down in **Ram Kumar's** case (supra), the present petition is allowed. Resultantly, the impugned order dated 21.11.2024 is hereby set aside and the petitioner-landowner is held entitled for award of interest on the enhanced compensation qua the complete land measuring 31 kanals 3 marlas, to the extent of 1/7 share. The other co-sharers of petitioner shall also be entitled for award of similar

benefits. The amount due to the landowner be released to him within two months from today by the concerned Land Acquisition Collector, else, the officer shall be liable to pay cost of Rs.50,000/- towards delay and litigation expenses.

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

19.09.2025

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No

(HARKESH MANUJA)
JUDGE