

**RFA-1247-2019 (O&M)
and connected cases**

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

RFA-1247-2019 (O&M)
Date of decision: 05.10.2021

Bathinda Development Authority

....Appellant

Versus

Gurchet Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Rakesh Gupta, Advocate for
Bathinda Development Authority in all the appeals

Mr. Ashwarya Bajaj, Advocate
for the appellants in RFA-2215, 2309, 2311 of 2019
for the respondents in RFA- 1246 & 1247 of 2019

Mr. Amarpreet Singh, Advocate for appellants
in RFA-3108, 3109 and 2559 of 2019
for the respondents in RFA-1245, 1254 & 1258 of 2019

Mr. Kanwaljeet S Brar, Advocate
for the appellants in RFA-1417, 1420 of 2021
for the respondents in RFA-1250, 1251 of 2019

Mr. Deepak Aggarwal, Advocate
for the appellants in RFA-3629-2019 and
for respondent in RFA-1244-2019

Mr. Ravish Bansal, Ms. Liza Bansal and Mr.Piyush Setia,
Advocates for appellants in RFA-3483, 3484, 3485 of 2019
and for respondents in RFA-1242, 1243, 1259 of 2019

Mr. Achin Gupta, Advocate for appellant in RFA-2095-
2021 and for respondent no.1 in RFA-1260-2019

Ms. Sunint Kaur, AAG, Punjab

ANIL KSHETARPAL, J (Oral)

By this order, a bunch of 40 appeals, (details whereof are on
the foot of the judgment), shall stand disposed of.

These appeals have been filed under Section 54 of the Land Acquisition Act, 1894, (hereinafter referred to as 'the 1894 Act') assailing the correctness of a common award passed by the court of Additional District Judge, Bathinda (hereinafter referred to as the 'Reference Court')

Learned counsel representing the Bathinda Development Authority states that the Reference Court has relied upon the proceedings of the District Committee dated 09.06.2008, constituted for assessing the market value of the land to be acquired. He states that the aforesaid proceedings are not on record.

Learned counsels representing the owners do not dispute the aforesaid fact. They submit that they have no objection if such report is taken on record in additional evidence. Accordingly, the said report is taken on record as mark 'C'.

The Reference Court, by a common award, has decided as many as 21 applications filed by the landowners under Section 18 of the 1894 Act. The acquisition of the land was initiated vide notification dated 23.05.2008 under Section 4 of the 1894 Act. The Land Acquisition Collector (hereinafter referred to as 'the LAC') passed a single consolidated award, while assessing the market value of the acquired land in the following manner:-

Area of Patti Jhutti:-

Property comprised in Junctions adjoining to Badal Road	Rs.44,18,722/- per acre
Lal Singh Basti Road, Bir Road, Multania Road, Behman Road	Rs.40,78,820/- per acre

falling in junctions :	
Remaining area in Ring Road	Rs.31,27,095/- per acre

Area of Behman Diwana:

Malout Road Junction Area :	Rs.44,81,722/- per acre
Remaining area of Ring Road in Behman Diwana	Rs.31,27,095/- per acre

The owners applied to the LAC for forwarding a reference to the court for determination of the market value. The Reference Court has assessed the market value in the following manner:-

Area of Patti Jhutti:-

Property comprised in Junctions adjoining to Badal Road	Rs.65,00,000/- per acre
Lal Singh Basti Road, Bir Road, Multania Road, Behman Road falling in junctions :	Rs.63,00,000/- per acre
Remaining area in Ring Road	Rs.60,00,000/- per acre

Area of Behman Diwana:

Malout Road Junction area :	Rs.65,00,000/- per acre
Remaining area of Ring Road in Behman Diwana	Rs.60,00,000/- per acre

Learned counsel representing the Bathinda Development Authority contends that the Reference Court has committed an error in assessing the market value of the acquired land by relying upon the proceedings of the District Committee dated 09.06.2008. He submits that the proceedings of the committee were not on record, however, the Reference Court relied upon the award passed by the LAC in which it has been referred to. He submits that the reading of the proceedings of the committee clearly proves that the amount of the compensation

assessed was inclusive of solatium as well as premium for no litigation.

The learned Reference Court has clearly misread the proceedings of the District Committee dated 09.06.2008. On a careful perusal of the award passed by the Reference Court, it is apparent that the landowners, have also relied upon certain sale exemplars, which have neither been appreciated nor rejected.

Keeping in view the aforesaid facts, it is considered appropriate to set aside the award passed by the Reference Court and remit the matter back for decision afresh. Learned counsel representing the landowners submit that they may be granted an opportunity to lead further evidence in the reference proceedings.

Keeping in view the aforesaid facts, the award passed by the Reference Court is set aside. The Reference Court is requested to re-decide the matter, after granting an opportunity of leading further evidence, if any, to both the parties, within a period of three months, from the date of receipt of the certified copy of this order. The record of the cases also be remitted back to the Reference Court forthwith. The parties through their counsel are directed to appear before the Reference Court on 29.10.2021.

Disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

05.10.2021
rekha

(ANIL KSHETARPAL)
JUDGE

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

1.	RFA-1242-2019	BATHINDA DEVELOPMENT AUTHORITY (B.D.A.), BHAGU ROAD, BATHINDA V/S RENU BALA AND OTHERS
2.	RFA-1243-2019	BATHINDA DEVELOPMENT AUTHORITY (B.D.A) BATHINDA V/S BHUSHAN KUMAR AND OTHERS
3.	RFA-1244-2019	BATHINDA DEVELOPMENT AUTHORITY, BHAGU ROAD, BATHINDA THROUGH ITS ADDITIONAL CHIEF ADMINISTRATOR V/S INDER SINGH AND OTHERS
4.	RFA-1245-2019	BATHINDA DEVELOPMENT AUTHORITY, BHAGU ROAD, BATHINDA THROUGH ITS ADDITIONAL CHIEF ADMINISTRATOR V/S PURAN SINGH (DECEASED) THROUGH LRS AND OTHERS
5.	RFA-1246-2019	BATHINDA DEVELOPMENT AUTHORITY, BHAGU ROAD, BATHINDA THROUGH ITS ADDITIONAL CHIEF ADMINISTRATOR V/S GURTEK SINGH (DECEASED) THROUGH LRS AND OTHERS
6.	RFA-1248-2019	BATHINDA DEVELOPMENT AUTHORITY, BHAGU ROAD, BATHINDA THROUGH ITS ADDITIONAL CHIEF ADMINISTRATOR V/S JAGJIT KAUR AND OTHERS
7.	RFA-1249-2019	BATHINDA DEVELOPMENT AUTHORITY V/S NACHHATTAR SINGH AND OTHERS
8.	RFA-1250-2019	BATHINDA DEVELOPMENT AUTHORITY (B.D.A) BATHINDA V/S JASPREET KAUR AND OTHERS
9.	RFA-1251-2019	BATHINDA DEVELOPMENT AUTHORITY V/S GURSHAMINDER SINGH AND OTHERS
10.	RFA-1252-2019	BATHINDA DEVELOPMENT AUTHORITY V/S MANISH KUMAR AND OTHERS
11.	RFA-1253-2019	BATHINDA DEVELOPMENT AUTHORITY (B.D.A.), BHAGU ROAD, BATHINDA V/S SHAVINDER KAUR AND OTHERS
12.	RFA-1254-2019	BATHINDA DEVELOPMENT

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		AUTHORITY (B.D.A) BATHINDA V/S JASVIR SINGH AND OTHERS
13.	RFA-1255-2019	BATHINDA DEVELOPMENT AUTHORITY V/S HARCHARAN SINGH AND OTHERS
14.	RFA-1256-2019	BATHINDA DEVELOPMENT AUTHORITY, BHAGU ROAD, BATHINDA THROUGH ITS ADDITIONAL CHIEF ADMINISTRATOR V/S SANDEEP SINGH AND OTHERS
15.	RFA-1257-2019	BATHINDA DEVELOPMENT AUTHORITY (B.D.A) V/S VEENA RAI AND OTHERS
16.	RFA-1258-2019	BATHINDA DEVELOPMENT AUTHORITY V/S GURDIP SINGH @ KULDIP SINGH (DECEASED) THROUGH LRS AND OTHERS
17.	RFA-1259-2019	BATHINDA DEVELOPMENT AUTHORITY V/S SANGRURA SINGH (DECEASED) THROUGH LRS AND OTHERS
18.	RFA-1260-2019	BATHINDA DEVELOPMENT AUTHORITY (B.D.A) BATHINDA V/S SEEMA RANI AND OTHERS
19.	RFA-1279-2019	BATHINDA DEVELOPMENT AUTHORITY (B.D.A.), BATHINDA V/S HARPAL KAUR AND OTHERS
20.	RFA-1284-2019	BATHINDA DEVELOPMENT AUTHORITY (B.D.A) BATHINDA V/S RAJWANT KAUR AND OTHERS
21.	RFA-1333-2019	SHAVINDER KAUR V/S STATE OF PUNJAB AND OTHERS
22.	RFA-1622-2019	MANISH KUMAR AND ANOTHER V/S STATE OF PUNJAB AND OTHERS
23.	RFA-1666-2019	NACHHATTAR SINGH AND OTHERS V/S STATE OF PUNJAB AND OTHERS
24.	RFA-1667-2019	JAGJIT KAUR AND ANOTHER V/S STATE OF PUNJAB AND OTHERS
25.	RFA-2185-2019	HARPAL KAUR AND ANOTHER V/S STATE OF PUNJAB AND OTHERS
26.	RFA-2214-2019	HARCHARAN SINGH (DECEASED) THROUGH LRS V/S STATE OF PUNJAB AND OTHERS

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27.	RFA-2215-2019	RAJWANT KAUR V/S STATE OF PUNJAB AND ANOTHER
28.	RFA-2309-2019	GURCHET SINGH AND OTHERS V/S STATE OF PUNJAB AND OTHERS
29.	RFA-2311-2019	GURTEK SINGH V/S STATE OF PUNJAB AND OTHERS
30.	RFA-2559-2019	JASVIR SINGH V/S STATE OF PUNJAB AND OTHERS
31.	RFA-3108-2019	GURDIP SINGH @ KULDIP SINGH (SINCE DECEASED) THROUGH HIS LRS AND ANOTHER V/S STATE OF PUNJAB AND OTHERS
32.	RFA-3109-2019	PURAN SINGH (SINCE DECEASED) THROUGH LRS AND OTHERS V/S STATE OF PUNJAB AND OTHERS
33.	RFA-3483-2019	SANGRURA SINGH SINCE DECEASED THROUGH LRS AND OTHERS V/S STATE OF PUNJAB AND OTHERS
34.	RFA-3484-2019	BHUSHAN KUMAR V/S STATE OF PUNJAB AND OTHERS
35.	RFA-3485-2019	RENU BALA V/S STATE OF PUNJAB AND OTHERS
36.	RFA-3629-2019	INDER SINGH (SINCE DECEASED) THROUGH HIS LRS AND OTHERS V/S BATHINDA DEVELOPMENT AUTHORITY AND OTHERS
37.	RFA-1417-2021	GURSHAMINDER SINGH V/S STATE OF PUNJAB AND OTHERS
38.	RFA-1420-2021	JASPREET KAUR V/S STATE OF PUNJAB AND OTHERS
39.	RFA-2095-2021	SEEMA RANI V/S STATE OF PUNJAB AND OTHERS