2025:PHHC:174759

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

RFA-3280-2002 (O&M)
Decided on:-12.12.2025

Gurdeep Singh ....Appellant.

vs.

Land Acquisition Collector, Mukerian ....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Jyotika Behl, Advocate for
Mr. Satbir Rathore, Advocate
for the appellant.

Mr. Athar Ahmed, DAG, Punjab.

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HARKESH MANUJA J. (Oral)

1. By way of present appeal, challenge has been laid to an award dated 06.06.2002 passed by the learned Additional Distict Judge, Hoshiarpur (for short, "the Reference Court"), whereby reference petition filed at the instance of appellant-landowner invoking Section 18 of the Land Acquisition Act, 1894 (herein-after to be called as "the 1894 Act"), stands dismissed.

2. Brief facts of the case are that land measuring 3 marlas owned by the appellant-landowner, situated in the revenue estate of Village Tikhowal within Municipal Limits of Mukerian Town, District Hoshiarpur was acquired vide notifications dated 24.05.1995 and 30.08.1995, issued under Sections 4 & 6 respectively of the 1894 Act, for the public purpose,

namely, construction/extension and augmentation of Water Supply Scheme Mukerian, construction of disposal works at Naushehra Road Mukerian. The total land acquired was 3 kanal 1 marla. The Land Acquisition Collector passed the Award on 26.02.1997 and assessed the market value @ Rs.450/- per marla i.e. Rs.72,000/- per acre.

3. Being dissatisfied, the appellant-landowner filed reference seeking enhancement of compensation by invoking Section 18 of the 1894 Act, which came to be dismissed vide judgment dated 06.06.2002 passed by the learned Reference Court. Hence, the present appeal.

4. Impugning the aforementioned award, learned counsel for the appellant submits that the Reference Court failed to take into account the sale deed dated 21.03.1997 (Ex.A-2) which pertained to the land abutting the close vicinity of the acquired land. She points out that the sale deed Ex.A-2 should have been relied upon by applying appropriate deduction towards the smallness of area involved therein as well as applying the principles of doctrine of de-escalation for the time gap between the date of said transaction i.e. 21.03.1997 till the date of notification under Section 4 of the 1894 Act in the present case (i.e. 24.05.1995). Learned counsel, thus, submits that the impugned award was liable to be modified while granting the enhancement of compensation in favour of the appellant-landowner.

5. On the other hand, learned counsel appearing on behalf of the respondent-State submits that the impugned award passed by the learned Reference Court was based on proper appreciation of pleadings and evidence available on record and thus, no interference was called for. Learned counsel points that in the given facts, the sale deed Ex.A-2 dated 21.03.1997, related to post notification under Section 4 of the 1894 Act in

the case in hand and thus, was not required to be relied upon. As such, learned counsel submits that the appeal preferred at the instance of appellant-landowner was liable to be dismissed.

6. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the appellant-landowner.

7. In the case in hand, the appellant-landowner proved on record the site plan (Ex.P-1) through the deposition of Draftsman, Kuldeep Kumar Sharma, who appeared as AW-1. As per the site plan, the acquired land has been depicted in red and orange colour whereas, the land forming part of sale deed dated 21.03.1997 (Ex.A-2) has been depicted in yellow colour. From the site plan, it is apparent that both the parcels of land are situated in close proximity and are of similar nature and potential being located on the main road leading from Mukerian to Gurdaspur. Besides it, the site plan Ex.P-1 also shows that a number of shops are located at a close distance from the acquired land.

7.1 A perusal of record also shows that besides the sale deed dated 21.03.1997 (Ex.A-2), no other documentary evidence has been placed on record either by the appellant-landowner or by the respondent-State. In such circumstances, the land parcels forming part of the acquired land as well as the sale deed Ex.A-2 being of similar nature and potential besides, being located in close proximity, it would be appropriate to rely upon the sale deed dated 21.03.1997 (Ex.A-2) by applying the doctrine of de-escalation for the time gap between the date of such sale instance till the date of notification. In the present case since there exists a gap of almost 22 months, it would be appropriate to apply deduction of 25% over the base price derived from sale instance Ex.A-2. Moreover, the total land under acquisition is 3 kanal 1 marla whereas the land parcel forming part of sale deed dated 21.03.1997 (Ex.A-2) is merely 1 marla, thus, it would be appropriate to apply deduction of 60% towards smallness of area involved in the sale instance dated 21.03.1997 (Ex.A-2).

8. Applying the aforesaid deduction on the base price of Rs.75,000/- per marla of sale deed dated 21.03.1997(Ex.A-2), the market value of the acquired land comes to Rs.22,500/- per marla along with all other statutory benefits and interest, including the benefit of interest on solatium.

9. In view of the aforesaid discussion, the appeal filed at the instance of appellant-landowner is partly allowed.

10. Pending application, if any, stands disposed of.

12.12.2025 **(HARKESH MANUJA)**
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Whether speaking/reasoned: Yes/No
Whether reportable: Yes/ No