

2025:PHHC:084278



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

**FAO-1126-1991 (O&M)
Decided on:-11.07.2025**

Baldev Singh

....Appellant..

VS.

Union of India and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vijay Lath, Advocate,
 for the appellant.

 Mr. Arun Gossain, Senior Govt. Counsel
 for the respondents.

HARKESH MANUJA J. (Oral)

1. By way of present appeal, challenge has been laid to an award dated 16.01.1991 passed by the Arbitrator-cum-Additional District Judge, Gurdaspur, whereby, an application under Section 8 of the Requisitioning and Acquisition of the Immovable Property Act, 1952 (for short, “1952 Act”) filed at the instance of appellant-landowner seeking determination/re-determination of market value of the acquired land was allowed.

2. Briefly stating, the land measuring 12 kanals 9 marlas situated in the revenue estate of Village Mamoon, Tehsil Pathankot, District Gurdaspur came to be acquired by respondent-UOI for defence purposes vide J-notice No.249/SLAC dated 20.03.1970 published in the Punjab Govt. Gazette dated 27.03.1970 under the 1952 Act. The appellant-landowner being aggrieved filed an application under Section 8 of the 1952 Act before

the Arbitrator-cum-Additional District Judge, Gurdaspur; appointed by State of Punjab vide notification No.12/10/86-5H(V)/23052 dated 03.07.1989, seeking determination of compensation, which came to be decided vide impugned award/decision dated 16.01.1991. Relevant portion from para 7 thereof is extracted hereunder:-

7. XXX XXX XXX
 XXX XXX XXX

As such I hold the petitioner to be entitled to compensation at Rs.350/- per marla. In view of a Full Bench of our High Court reported in Hari Krishan Khosla, 1974 P.L.R. 658, the petitioner is entitled to solatium and interest at same pattern as is given under Land Acquisition Act. I therefore, accept this petition and award compensation at the rate of Rs.350/- per marla for the acquired land in favour of the petitioner. He is also awarded solatium at 15% thereon and interest at 6% per annum on the principal amount and solatium from the date of the notice dated 20.03.1970 till actual payment. The award be drawn on stamp paper to be furnished by the applicant. File be completed and consigned to the record room.”

4. Aggrieved thereof, the present appeal was filed on behalf of appellant-landowner seeking enhancement of market value/compensation.

5. Learned counsel for the appellant-landowner relies upon a decision rendered by the Hon’ble Apex Court in **“Dilawar Singh and others vs. Union of India and others”, reported as 2010(14) SCC 357**, to submit that under similar circumstances the market value relating to land situated in the outskirts of Pathankot and pertaining to acquisition for the years 1964 to 1972 was uniformly assessed @ Rs.350/- per marla and thus, the case of appellant-landowner is squarely covered by the said decision. Relevant paras 8 and 9 of the ***Dilawar Singh’s*** case (supra) as relied upon by the counsels

for appellant are extracted hereunder:-

8. *“That brings us to the question whether the land-owners are entitled to claim any enhancement in the amount of compensation determined in these cases. In Union of India etc. v. Inder Singh and Anr. (LPA No.1918 of 1989) and connected matters to which we have referred earlier the High Court has upheld the enhancement of compensation to Rs.350/- per marla. The High Court was in that case dealing with a similar question arising out of the very same acquisition process. Relying upon its decision in Shanker Singh and Ors. v. Union of India 1988 (1) PLR 163, a Single Bench of the High Court in Inder Singh's case (supra) enhanced the compensation payable to the land- owners to Rs.350/- per marla. Five appeals were preferred before the Division Bench against the said order out of which two appeals were dismissed by separate orders of the Court while the third was dismissed for non-prosecution. The result was that out of five appeals challenging the order passed by the Single Judge awards in favour of the land-owners in the case of three dismissed appeals attained finality entitling the land-owners respondents in those appeals to compensation @ Rs.350/- per marla. The refusal of a similar relief in the remaining cases was not, therefore, considered just and equitable when there were no distinguishing features to justify such a refusal. The High Court also found that the decision in Shanker Singh's case (supra) was squarely applicable in the case before it on account of the proximity of the acquisitions in point of time. The notification in Shanker Singh' case (supra) was issued on 6th March, 1970 whereas that in Inder Singh' case (supra) was issued on 9th January, 1970. The amount of compensation determined in Shanker Singh's (supra) was therefore found by the High Court to be relevant for award of compensation in Inder Singh's case (supra) also.*

9. *In the present batch of cases except the case the notification for acquisition was issued in February 1970 which is proximate in point of time to those issued in the Shanker Singh and Inder Singh's cases (supra). The notification in Union of India v.*

Mohinder Singh (Civil Appeal No. 9204/2010) was issued on 12.5.1964 and published on 12.6.1964. That apart the lands in question were all acquired for the very same purpose and are situated on the outskirts of a growing town like **Pathankot**. The growing non-agriculture potential of such lands is also not in serious dispute. The High Court has failed to notice all these aspects apparently because the decisions in Shankar Singh's case and that delivered in Inder Singh's case (*supra*) were handed down subsequent to the impugned order. Suffice it to say that on the material available before us we see no reason why the amount of compensation payable to the landowners appellants in these appeals should also not be enhanced to Rs.350/- per marla with proportionate benefits towards solatium and interest as awarded by the Arbitrator and upheld by the High Court in those cases and in similar other cases to which we have referred in the earlier part of this order. In so far as Mohinder Singh's case (*supra*) is concerned, the appeal has been filed by the Union of India against grant of solatium and interest. No appeal has been filed by the owners *in that case* for enhancement of the amount of compensation. Even otherwise in the absence of any cogent evidence to justify any such enhancement, there is no room for directing payment of a large amount of compensation."

6. On the other hand, learned counsel for the respondents has not been able to controvert the aforesaid factual aspects as well as the applicability of **Dilawar Singh's** case (*supra*).

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

8. The issue of quantum of market value payable to the appellant is squarely covered with the decision passed by Hon'ble the Apex Court in **Dilawar Singh's** case (*supra*), wherein, the landowners of District Pathankot were held entitled to Rs.350/- per marla towards compensation with proportionate benefits towards solatium at the rate of 30% and interest @

9% for the first year from the date of acquisition and beyond one year @15%.

9. In the present case, the appellant has already been granted market value at the rate of Rs.350/- marla by the learned Arbitrator-cum-Additional District Judge, Gurdaspur, however, the solatium was awarded at the rate of 15% and interest @ 6% per annum.

10. In such circumstances, award dated 16.01.1991 passed by the Arbitrator-cum-Additional District Judge, Gurdaspur is ordered to be modified and in addition to market value at the rate of Rs.350/- per marla for the acquired land, the appellant shall be entitled for solatium at the rate of 30%, besides, the interest @ 9% for the first year from the date of acquisition and for the subsequent period @ 15% till the payment is made. The compensation be released in favour of landowner/appellant within three months from today.

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

11.07.2025

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No