

2025:PHHC:167516



RFA Nos.1201 & 2303 of 1995 (O&M)

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

105

1.

RFA No.1201 of 1995 (O&M)

Date of Decision: 02.12.2025

GIAN SINGH (DECEASED) TH. HIS LRS

.....Appellants

Vs

THE STATE OF PUNJAB THROUGH LAND ACQUISITION COLLECTOR

...Respondent(s)

2.

RFA No.2303 of 1995 (O&M)

THE STATE OF PUNJAB THROUGH LAND ACQUISITION COLLECTOR

.....Appellant

Vs

GIAN SINGH (DECEASED) TH. HIS LRS

...Respondent(s)

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. M.S. Dhami, Advocate
for the appellants/landowners.

Mr. Gunjan Mehta, Addl. A.G., Punjab.

HARKESH MANUJA, J. (Oral)

[1]. Vide this common order, RFA Nos.1201 and 2303 of 1995 are being decided as the same have arisen out of common acquisition/Award involving identical facts and question of law. For the sake of brevity, facts are being taken from RFA No.1201 of 1995.

[2]. By way of present appeal(s), challenge has been laid to the Award dated 02.03.1995 passed by the learned Addl. District Judge, Hoshiarpur (hereinafter to be referred as the 'Reference Court'), whereby Reference Petition filed under Section 18 of the Land Acquisition Act, 1894 (for short 'the 1894 Act') at the instance of the landowner was partly allowed while granting the benefit of enhanced market value @ Rs.74,400/- per acre for Chahi land and Rs.25,000/- per



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acre for Barani land besides award of statutory benefits/interest as provided under the 1894 Act. Compensation in respect of tubewell was enhanced to Rs.30,000/-.

[3]. Briefly stating, in the present case(s), land measuring 15K-5M situated within the revenue estate of village Mehndipur, Tehsil Balachaur, District Hoshiarpur, came to be acquired vide Notification dated 31.01.1991 issued under Section 4 of the 1894 Act for the public purpose namely for construction of Block Level Complex for agriculture extension project, followed by an Award passed by the Land Acquisition Collector (for short 'the LAC') on 05.03.1993 thereby determining the market value of the acquired land @ Rs.254/- per marla for Chahi land; Rs.204/- per marla for Barani land, besides award of all other statutory benefits/interest as provided under the 1894 Act. In addition, Rs.24,969/- was awarded in respect of tubewell.

[4]. Aggrieved thereof, the appellant-landowner invoked Reference under Section 18 of the 1894 Act, which came to be partly allowed by the learned Reference Court vide its award dated 02.03.1995 while granting him enhanced compensation @ Rs.74,400/- per acre for Chahi land and Rs.25,000/- per acre for Barani land besides award of statutory benefits/interest as provided under the 1894 Act. Compensation in respect of tubewell was enhanced to Rs.30,000/-.

Dis-satisfied with the Award passed by the learned Reference Court, the present appeals were preferred at the instance of landowners as well as respondent/State of Punjab.

[5]. Impugning the aforesaid Award, learned counsel for the appellants/landowners made the following submissions:-



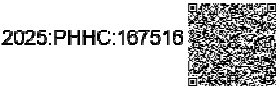
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(a) That the learned Reference Court went wrong having failed to take into account the sale deed dated 18.07.1989 (Ex.A-15) vide which 04 marlas of land forming part of the revenue estate of village Mehndipur was sold @ Rs.10,000/- per marla.

(b) That by applying appreciation @ 12% per annum over the sale price per marla from the aforementioned sale deed (Ex.A-15) for the time gap between the date of sale i.e. 18.07.1989 till the date of Notification issued under Section 4 of the 1894 Act, in the present case(s) i.e. 30.01.1991, the market value was required to be enhanced in favour of the appellant(s)-landowner(s).

(c) That the compensation awarded against the trees spreading over the acquired land needs to be increased.

[6]. On the other hand, learned State counsel submits that no reasons at all were recorded by the learned Reference Court while enhancing the market value @ Rs.74,400/- per acre for Chahi land and Rs.25,000/- per acre for Barani land besides enhancing the compensation in respect of tubewell to Rs.30,000/- in favour of the appellant(s)-landowner(s), over and above the market value assessed by the LAC. He, thus submits that once the sale deeds produced on record by the appellant(s)-landowner(s) were discarded being relating to small transactions besides one Ex.A-16 dated 09.02.1991 being post notification, no enhancement was required to be awarded in favour of the appellant-landowner and as such the Award passed by the learned Reference Court was liable to be set aside.



[7]. I have heard learned counsel for the parties and gone through the paper book as well as records of the case. I find substance in the submissions made on behalf of the appellant(s)/landowner(s).

[8]. A perusal of the record shows that the following sale instances were relied upon by the appellant(s)-landowner(s) in support of their claim set up in the Reference Petition:-

Exhibits/ Sale Deeds	Date of Execution	Area	Sale consideration		Village
			Total	Total/per marla	
Ex.A-9	15.07.1987	5 Marla	1,10,000/-	Rs.20,000/-	Siana
Ex.A-10	15.07.1987	5 Marla		Rs.20,000/-	Siana
Ex.A-11	28.06.1985	3K-12M		Rs.24,000/-	Mehndipur
Ex.A-12	09.09.1985	2-K-4M		Rs.28,000/-	Mehndipur
Ex.A-15	18.07.1989	4 Marla		Rs.10,000/-	Mehndipur
Ex.A-16	09.02.1991	11 Marla		Rs.10,000/-	Mehndipur

[9]. On perusal of the aforementioned sale instances, it transpires that the sale transaction dated 09.02.1991 (Ex.A-16) related to a period which was post notification under Section 4 of the 1894 Act in the case in hand, thus the same was rightly discarded. However, the sale instance dated 18.07.1989 (Ex.A-15) relates to 04 marla of land sold @ Rs.10,000/- per marla and pertains to the same revenue estate of village Mehndipur; is in close proximity in terms of time period with respect to the date of notification issued under Section 4 of the 1894 Act in the case in hand issued on 31.01.1991 and, thus the same needs to be relied upon for the purpose of determination of market value. Further, a perusal of the impugned Award passed by the learned Reference Court shows that no reasons whatsoever

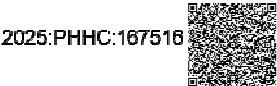


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were recorded for having ignored the sale deed dated 18.07.1989 (Ex.A-15) especially when the same pertained to the Rectangle No.27 falling in the revenue estate of village Mehndipur, Tehsil Balahaur, District Hoshiarpur of which a part was acquired under the present Notification dated 31.01.1991 issued under Section 4 of the 1894 Act..

[10]. Moreover, considering the fact that there has been a time gap of around 01 year and 06 months between the date of sale deed dated 18.07.1989 (Ex.A-15) and the date of issuance of notification under Section 4 of the 1894 Act issued on 31.01.1991 in the case(s) in hand, an appreciation @ Rs.18% needs to be awarded over the sale price per marla derived from the sale exemplar dated 18.07.1989 (Ex.A-15) which comes to Rs.11,800/- (Rs.10,000 x 18/100).

[10.1]. However, considering the fact that the sale exemplar Ex.A-15 pertains to a small parcel of land measuring 4 Marlas, therefore, an appropriate deduction needs to be applied towards smallness of the area involved therein. In the given facts and circumstances, when a positive finding of fact has been recorded in Para No.11 of the impugned Award to the effect that the land under acquisition falls within the notified area of Balachaur Committee and the same is located on the main road leading from Balachaur to Hoshiarpur besides the same being near to Tehsil Complex; a deduction @ 50% would suffice towards the smallness of area involved in the sale exemplar Ex.A-15 and as such the value of the acquired land thus, comes to Rs.5,900/-per marla. Furthermore, since the acquisition in the present case(s) is for public purpose namely for construction of Block Level Complex for agriculture extension project, the respondent/State has neither suffered any loss towards utilization of land nor even incurred cost(s) for providing



of additional infrastructural amenities and thus, no cut needs to be applied towards the development cost. Moreover, no material evidence has been referred to by the learned counsel for the appellant(s)/landowner(s) with respect to his claim towards trees, the same thus call for no interference.

[11]. Accordingly, the market value for the land under acquisition is assessed @ Rs.5900/- per marla. In addition, the landowner(s) shall also be entitled for award of all other statutory benefits and interest as provided under the provisions of the 1894 Act (amended upto date). The landowner(s) shall be entitled for solatium @ 30% besides award of interest thereupon as well.

[12]. Consequently, in view of the discussion made herein above, the appeal preferred at the instance of appellant(s)-landowner(s) is hereby partly allowed in the aforesaid terms and the appeals filed by the State of Punjab is, thus dismissed.

[13]. All pending application(s), if any, shall also stand disposed of.

December 02, 2025	(HARKESH MANUJA)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No