IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

102

1. RFA No.813 of 1995 (O&M)
Date of Decision: 26.11.2025

JUGRAJ SINGH ......Appellant
Vs
STATE OF PUNJAB AND ANR. ...Respondent(s)

2. RFA No.877 of 1995 (O&M)

GURPREET SINGH .....Appellant
Vs
STATE OF PUNJAB AND ANR. ...Respondent(s)

3. RFA No.1066 of 1995 (O&M)

BACHAN SINGH ......Appellant
Vs
STATE OF PUNJAB AND ANR. ...Respondent(s)

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

Present: Mr. Hitesh Verma, Advocate
for the appellant(s)/landowner(s).

Mr. Athar Ahmed, D.A.G., Punjab.

****

HARKESH MANUJA, J. (Oral)

[1]. Vide this common order, the aforementioned appeals 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.813 of 1995.

[2]. By way of present appeal(s), challenge has been laid to the Award dated 09.01.1995 passed by the learned Addl. District Judge, Barnala (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 landowners was partly allowed while granting them the benefit of enhanced market value @ Rs.1,20,000/- per acre *qua* the acquired land besides award of statutory benefits/interest as provided under the 1894 Act.

[3]. Briefly stating, in the present case(s), some land owned by the appellants/landowners situated within the revenue estate of villages Barnala Pati Sekhwan and Sanghera, came to be acquired vide Notifications dated 02.11.1989 and 27.06.1990 issued under Sections 4 & 6 of the 1894 Act respectively for the public purpose namely for the extension of Sanghera bye pass, followed by an Award passed by the Land Acquisition Collector (for short 'the LAC') on 03.04.1992, who assessed the market value of the acquired land @ Rs.80,000/- per acre for Chahi/Nehri land and Rs.60,000/- per acre for gair mumkin land.

[4]. Aggrieved thereof, the appellant(s)-landowner(s) invoked Reference under Section 18 of the 1894 Act, which came to be partly allowed by the learned Reference Court vide its award dated 09.01.1995, while granting them enhanced compensation @ Rs.1,20,000/- per acre *qua* the acquired land besides awarding all other statutory benefits/interest in their favour under the 1894 Act.

Dis-satisfied with the Award passed by the learned Reference Court, the present appeals were preferred at the instance of landowners.

[5]. Impugning the aforesaid Award, learned counsel for the appellant(s)/landowner(s) submits that the learned Reference Court went wrong having discarded the sale instance proved on record by the appellant(s)-landowner(s). Learned counsel submits that the acquisition in the present case was carried out for the public purpose namely for the extension of Sanghera bye pass

and the acquired land formed part of revenue estate of villages Barnala Pati Sekhwan and Sanghera.

[5.1]. Learned counsel also submits that the sale instances Ex.A-4 to Ex.A-6 produced on record by the appellant(s)-landowners(s) pertained to the aforementioned revenue estate of villages Sanghera and Barnala only and thus, the same could not have been discarded merely on the ground that comparative locations of the land forming part of the sale deeds were not in the vicinity as of the acquired land. He further points out that the sale deeds though pertained to small parcels of land, the same could have been relied upon by the learned Reference Court by applying appropriate deduction towards small size of the area of such sale transactions and accordingly, the market value of the acquired land was to be enhanced.

[6]. On the other hand, learned State counsel submits that a well-reasoned and justified Award had been passed by the learned Reference Court upon appreciation of the pleadings and the evidence available on record which, thus calls for no interference. Learned State counsel also points out that the sale deeds Ex.A-4 to Ex.A-6 were rightly discarded being related to small parcels of land, thus he prays for dismissal of the appeal(s) preferred at the instance of the appellant(s)/landowner(s).

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

[8]. In the present case(s), the land pertaining to the revenue estate of villages Barnala Pati Sekhwan and Sanghera were acquired for the public purpose

namely for the extension of Sanghera bye pass. In support of their claim towards enhancement of market value of the acquired land, the appellant(s)-landowner(s) produced on record sale deeds Ex.A-4 to Ex.A-6, the details thereof are hereunder:-

Village	Area	Consideration	Date of Execution	Exhibits
Sanghera	1K-0M	Rs.66000/-	11.12.1989	A-4
Barnala	1K-2M	Rs.79200/-	21.12.1987	A-5
Barnala	8M	Rs.30000/-	1.1.1990	A-6

[9]. The aforementioned sale deeds were discarded merely for the reason that the comparative location of the land comprised in aforementioned sale transactions and that of acquired land was not proved on record. Besides the said sale transactions were related to small parcels of land. In the humble opinion of this Court, the aforesaid reasoning recorded by the learned Reference Court is not sustainable in law as in the present case(s) acquisition has been carried out of the land forming part of revenue estate of villages Barnala Pati Sekhwan and Sanghera and the sale instances Ex.A-4 to Ex.A-6 proved by the appellant(s)-landowner(s) also pertained to the same revenue estate. No evidence has been pointed out to show any kind of difference towards nature and potential of different parcels of land forming part of the same revenue estate of the villages Barnala Pati Sekhwan and Sanghera.

[10]. Furthermore, in the case of acquisition of land forming part of revenue estate, the sale deeds pertaining to the same revenue estate needs to be relied upon as there is no significant disparity in potential and locational advantage attached to the land forming part of one common revenue estate viz.-a-viz. the land

forming part of areas located differently in the urban areas. Accordingly, the sale exemplar Ex.A-4 pertaining to the revenue estate of village Sanghera for land measuring 01 Kanal was required to be relied upon for assessment of market value. Though it pertained to 01 Kanal besides being post notification by almost 01 month and 10 days, an appropriate deduction @ 6% per annum on the base price per acre derived from Ex.A-4 needs to be applied for determination of market value pertaining to the present acquisition, which comes to Rs.5,24,528.22 per acre. Since the sale instance Ex.P-4 pertains to small parcel of land measuring 01 Kanal, therefore, a deduction @ 50% needs to be applied and the value thus, comes to Rs.2,62,264/- per acre.

[11]. In the given facts since the acquisition in the case(s) in hand has been carried out for the public purpose, namely, for the extension of Sanghera bye pass and as such the respondents/State has not suffered loss towards utilization of land or even incurred cost(s) for providing of additional infrastructural amenities and thus, no cut needs to be applied towards the development cost.

[12]. Accordingly, the market value for the land under acquisition is assessed @ Rs.2,62,264/- per acre. 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 to date). The landowner(s) shall also be entitled for solatium @ 30% besides award of interest thereupon as well.

[13]. Consequently, in view of the discussion made herein above, all the appeals preferred at the instance of appellant(s)-landowner(s) are hereby partly allowed in the aforesaid terms.

[14]. Wherever the landowner(s) has/have unfortunately expired in the appeal(s)/cross-objection(s) after filing thereof and the legal heirs have not been impleaded, they shall be at liberty to seek execution of the present decision by moving appropriate application(s) before the learned Executing Court.

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

(HARKESH MANUJA)
JUDGE

November 26, 2025
Atik

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