

2025:PHHC:131316



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

**Decided on:-19.09.2025**

**1. RFA-1402-1996 (O&M)**

State of Punjab thr. Collector Land Acquisition,  
SYL Patiala

....Appellant..

vs.

Surinder Kumar and another

....Respondents.

**2. RFA-2001-1996 (O&M)**

State of Punjab thr. Collector Land Acquisition,  
SYL Patiala

....Appellant..

vs.

Mohan Lal

....Respondent.

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

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

None for the respondent(s).

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**HARKESH MANUJA J. (Oral)**

1. Vide this common judgment, the aforementioned two Regular First Appeals are being decided as both have arisen out of the same award.

1.2 For convenience, the facts are being taken from ***RFA-1402-1996 (O&M)***.

2. By way of present appeal, challenge has been laid to an award

dated 29.07.1995 passed by the Court of Id. Additional District Judge, Patiala (for short, "Reference Court"), whereby respondents-landowners were granted the market value for severance of land, besides compensation for two crops of eucalyptus trees and fruit trees standing over the acquired land, along with interest and other benefits.

3. In the present case, notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, "1894 Act") were issued on 11.03.1987, under which 2.99 acres of land falling in the revenue estate of village Dabli, Hadbast No.39, Tehsil Rajpura and District Patiala was acquired for the public purpose, namely, construction of Mirzapura Distributory of the SYL canal. Award for the acquired land was passed on 23.10.1987, whereas the supplementary award for compensation towards trees, fruit-trees, tubewells, structures and other damages etc. was passed on 05.08.1990.

4. The present appeal arises out of reference preferred at the instance of respondents-landowners in relation to supplementary award dated 05.08.1990 and the dispute relates to assessment of market value qua the eucalyptus trees. The Id. Reference Court vide its award dated 29.07.1995 granted the benefit in favour of respondents-landowners for two crops of eucalyptus trees, however, the same got impugned by way of present appeal while stating that they were entitled for grant of only one crop.

5. I have heard learned counsel for the appellant and gone through the paper book.

6. The issue regarding grant of benefit of two crops of eucalyptus

trees has been discussed in detail by the Id. Reference Court in paragraph No.17 to 21 of the award and the same are extracted hereunder:-

“17. The petitioners have examined Sh. Sarwan Singh Butter, PW1, who is a retired Deputy Divisional Forest Officer. He has stated that the petitioners were entitled to the compensation at the rate of Rs. 470/- per eucalyptus tree, for the first harvest, and at the same rate, for the subsequent two harvests. He prepared his inspection report, Ex.A1, on the basis of the entry in Khasra girdawari, Ex.A2. The photographs were also taken in his presence, which are Ex. A3 to A10. Their negatives are Ex.A11 to A18, respectively. The photostat copy of the schedule of rates of eucalyptus trees is Ex.A19. In the cross-examination, PW1, has stated that he inspected the land of the petitioners on 21.1.1995., but he did not have the Latha, with him. He did not make the nishandehi, at the spot, He denied the suggestion that only saplings of the eucalyptus were at the spot, and these were not grown up trees.

18. With his usual perspicacity, the Id, counsel for the petitioners, has tried to concentrate, on the report of Sh. S. S. Butteur, PW1, which is Ex.A1. This report has given the correlation between the age and the girth and the volume of the eucalyptus trees as under :-

| Age    | Girth in cm | Class | Volume Girthin cm. | Volume in Cmt. |
|--------|-------------|-------|--------------------|----------------|
| 3 Yrs. | 48.36       | V     | 30-59              | 0-05           |
| 4 "    | 55.88       |       |                    |                |
| 5 "    | 66.04       | IV    | 60-89              | 0-15           |
| 6 "    | 73.66       |       |                    |                |
| 7 "    | 81-28       | III   | 90-119             | 0-55           |
| 8 "    | 86-36       | IIA   | 120-149            | 1-10           |
| 9 "    | 93-98       |       |                    |                |
| 10 "   | 99-06       |       |                    |                |

19. However, in cross-examination this witness has stated that he inspected the land of the petitioners of 21.1.1995. This

witness has stated that the year of plantation was 1983-84. There were in all 292 eucalyptus trees, in the acquired land, of the petitioner, out of them, a few trees were still standing in the area. PWI measured these trees at the spot. The girth of these trees was 29.75 inches, i.e. 76 cm.

20. The Id. counsel for the petitioner, has relied on 1990(1)RCR, 2 (P&H), Sukhdev Singh versus State of Punjab on the subject of payment of compensation, for the eucalyptus trees, growing on the land acquired for the SYL Canal. The Id. G.P. for the respondents, has also relied on this very authority.

21. In this authority, the land had been acquired in village Mandian, Teh. Rajpura, Distt. Patiala, whereas the land in the present case in hand, had been acquired in Village Dhabali, Teh. Rajpura, practically in the same locality, and for the same purpose, i.e. for the SYL Canal. In that case, the Collector, had awarded compensation of the eucalyptus trees at the rate of Rs.188.65 per tree. On the reference, being made under section 18 of the Act, the District Court, had enhanced the Compensation to Rs. 560/- per tree, by taking into consideration the fact that it would yield two crops. Aggrieved by this, both the land owners, and the State of Punjab, had gone up in an appeal, to the Hon'ble High Court. It was urged by the claimant that the eucalyptus trees yields at least three crops and compensation, for the same should be granted. However, the Hon'ble High Court awarded the compensation only for two crops, keeping in view the fact that the compensation in lump-sum, was being paid about 25 years prior to the actual yield of the crops. Therefore, for our present purpose, it cannot be seriously disputed that the petitioners would be entitled to the compensation, for the two crops only, keeping in view the ratio of Sukhdev Singh's case supra."

7. Learned Reference Court has placed reliance upon report furnished by Sh. Sarwan Singh Butter, Deputy Divisional Forest Officer

(Retd.), who has categorically mentioned therein that there were 2 to 3 crops of eucalyptus trees. Sh. S.S. Butter has appeared as PW-1 and tendered his report Ex.A-1, however, no cross-examination has been conducted upon him with respect to the portion of his report, whereby, he specifically stated that in case of eucalyptus trees, the landowners get benefit of 2-3 crops. On the contrary, no evidence has been adduced by the appellant-State to counter the statement made by PW-1 S.S. Butter or even to his report Ex.A-1.

7. In such circumstances and based on the evidence available on record, no interference is called for with the award passed by the 1d. Reference Court. Resultantly, the present appeals being devoid of merits are dismissed.

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

19.09.2025  
sonika

**(HARKESH MANUJA)**  
**JUDGE**

Whether speaking/reasoned:  
Whether reportable:

Yes/No  
Yes/ No