

2025:PHHC:166558



108 IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

RFA-1923-1997 (O&M)  
Decided on:-01.12.2025

State of Punjab and others

....Appellants..

vs.

Harikishan Lal (deceased) thr. LRs.

....Respondent..

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

Present: Mr. Gunjan Mehta, Addl. A.G., Punjab,  
for the appellants.

Mr. Vinod Kumar, Advocate,  
for the respondent.

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**HARKESH MANUJA J. (Oral)**

**CM-4125-CI-2025**

Prayer in this application is for bringing on record the legal  
representatives of deceased-Harikishan Lal (respondent).

Notice of the application.

Mr. Gunjan Mehta, Addl. A.G., Punjab accepts notice of the  
application and raises no objection to the prayer made in the application.

Having heard learned counsel for the parties and gone through  
the contents of the application, prayer made in the application is allowed and  
the persons mentioned in para 2 of the application are ordered to be  
impleaded as the legal representatives of respondent-Harikishan Lal (now  
deceased).

Amended memo of parties is taken on record.

**Main case**

1. By way of present appeal, challenge has been laid to an award dated 03.04.1997 passed by the Reference Court-cum-Additional District Judge, Gurdaspur, whereby the reference petition filed under Section 18 of the Land Acquisition Act, 1894 (for brevity, “the 1894 Act”) at the instance of respondent-landowner, was partly accepted.

2. In the present case, land measuring 2 kanals 4 marlas owned by the respondent-landowner situated in the revenue estate of Sagarpura, Tehsil Batala, came to be acquired vide notifications dated 21.01.1991 and 31.01.1992, issued under Sections 4 & 6 respectively of the 1894 Act, for the public purpose, namely, for the construction of different wings of buildings and boundary wall of the Industrial Training Institute, Batala. The Land Acquisition Collector vide its Award dated 25.03.1994, assessed the market value of the acquired land and awarded Rs.1200/- per marla for *gair mumkin* kind of land and Rs.1500/- per marla for *barani* land.

3. Aggrieved of the same, the respondent-landowner invoked reference petition under Section 18 of the 1894 Act, seeking enhancement of compensation. Upon consideration of the material available on record, the Reference Court vide its Award dated 03.04.1997, partly accepted the reference petition by uniformly enhancing the market value of acquired land to the tune of Rs.3360/- per marla besides other statutory benefits. Hence, the present appeal.

4. Impugning the award dated 03.04.1997, learned counsel for the appellant submits that the reliance placed upon by the learned Reference Court upon the award Ex.A-8 dated 06.12.1996, was wholly uncalled for as

vide two separate notifications of even date i.e. 21.01.1991, two separate parcels of land were acquired. He also submits that the determination of market value done by Land Acquisition Collector was based upon proper appreciation of the relevant material, as such, the same required no interference and consequently, the award passed by the learned Reference Court, whereby, the market value was enhanced to Rs.3360/- per marla was required to be set aside.

5. On the other hand, learned counsel for the respondent-landowner submits that on the basis of material available on record, the respondent-landowner was entitled for even further enhancement of compensation to the tune of Rs.3800/- per marla as assessed and approved by the Collector, Gurdaspur vide its endorsement No.3809/DRA-02 dated 25.06.1993. He submits that though, the aforesaid approval was recorded in the award passed by Land Acquisition Collector, however, the market value was assessed @ Rs.1200/- per marla for *gair mumkin* kind of land and Rs.1500/- for *barani* land. Learned counsel, thus, submits that in light of the above-mentioned, respondent-landowner was entitled to further enhancement of market value in his favour.

4. I have heard learned counsel for the appellant-State and gone through the paper-book. I am unable to find substance in the submissions made on behalf of the appellant. Rather on the contrary, in the given facts and circumstances and on the basis of material available on record, further enhancement needs to be awarded in favour of respondent-landowner.

5. In the present case, a positive and categorical finding of fact has been recorded by the learned Reference Court to the effect that the acquired land was surrounded by industrial, residential and commercial

complexes. It has also been recorded that the acquired land abuts Kahnuwan road and there were shops all along that road. Such relevant findings recorded by the learned Reference Court in the aforesaid context are extracted hereunder:-

*“19. Copy of the award challenged by the applicant on the file. A perusal of that documents shows that the land wens exclusively owned by the applicant. It was actually under the possession of Industrial Training Institute since 1962. From the statement of A.W.1, AW2 and AW4 and the position shown in the plan Ex.A.1 it becomes evident the acquired Land of the applicant is surrounded by Industrial residential and commercial complexes. Some strategic points such as Shastri nagar Scheme Improvements Trust, Batala Urbans Estate, Colleges, PWD office and shops are quite near it. The Industrial training Institute is in the acquired lend itself As is evident from Ex. A.1 the acquired land abuts the Kahnuwan road. Even RW.1 who has been examined by the respondents has admitted that there are shops along the road. He further stated that on both sides of the road from octroi post of Kahnuwan road, Batala upto the acquired land there are residential houses and Industrial units. Acquired land is at a distance of about 60 karams from Matholit Church High School. From this abundant evidence is on the file the only one and one conclusions that the acquired land of the applicant is such which had great potentiality for Industrial Commercial and residential purposes. Even collector, Gurdaspur vide his endorsement no.3809\$DRA-2 dated 25.6.93 had approved the rate of the land including the acquired land of the applicant at Rs.3800/- per marla as is clear from the award dated 25.3.94 the certified copy of which is on the file”.*

5.1 No material has been produced or referred to by the learned counsel representing the appellants-State so as to counter the aforesaid

reasoning. Further, the acquired land forms part of revenue estate of Batala East, Hadbast No.211, for which even the Collector, Gurdaspur vide its Endst. No.3809/DRA-2 dated 25.06.1993 recommended the rates of Rs.3800/- per marla for *Chahi* and *gair mumkin* land and this was even noticed by Land Acquisition Collector while passing the award dated 25.03.1994.

5.2 A reading of award dated 25.03.1994 passed by Land Acquisition Collector further shows that no reason whatsoever was recorded therein to ignore the recommended rate @ Rs.3800/- per marla by the Collector, Gurdaspur.

5.3 On the contrary, the Land Acquisition Collector went on to assess the market value of the land on the basis of *chant* rate derived from the sale deeds without even comparing the nature, kind or location of land involved therein in comparison to the land under acquisition. Land Acquisition Collector did not even verify as to whether the sale transactions considered for the purpose of determination of market value conformed to the Collector rate. In such circumstances, the market value determined by Land Acquisition Collector in its award dated 25.03.1994, was wholly unsustainable. Moreover, the learned Reference Court though noticed the recommendation and assessment made by the Collector, Gurdaspur towards the market value of the acquired land as Rs.3800/- per marla, however, again failed to record any reason so as to discard the same.

5.4 In the wake of the above, there is no merit in the appeal preferred at the instance of appellant. Although, there is neither any cross-appeal nor any cross-objection preferred at the instance of respondent-landowner, yet reliance can be placed upon the judgment rendered by the

Hon'ble Apex Court in ***"Pralhad and others vs. State of Maharashtra and another"***, reported as **2010(3) Apex Court Judgments (SC) 653** for grant of enhancement in favour of respondent-landowners. Relevant paragraphs thereof are reproduced hereunder:-

*"20. In Vanarsi v. Ramphal, AIR 2004 Supreme Court 1989, this Court construing the provisions of Order 41 Rule 33 of Civil Procedure Code held that this provision confers powers of the widest amplitude on the appellate court so as to do complete justice between the parties. This Court further held that such power is unfettered by considerations as to what is the subject matter of appeal or who has filed the appeal or whether the appeal is being dismissed, allowed or disposed of while modifying the judgments appealed against. The learned Judges held that one of the objects in conferring such power is to avoid inconsistency, inequity and inequality in granting reliefs and the overriding consideration is achieving the ends of justice. The learned Judges also held that the power can be exercised subject to three limitations: firstly, this power cannot be exercised to the prejudice of a person who is not a party before the Court; secondly, this power cannot be exercised in favour of a claim which has been given up or lost; and thirdly, the power cannot be exercised when such part of the decree which has been permitted to become final by a party is reversed to the advantage of that party. (See para 15 at pg. 1997).*

Furthermore, the aforementioned decision was followed by Hon'ble Division Bench of Madras High Court in case of ***"P.R. Srinivasan vs. The Special Tahsildar, Adi-Dravidar Welfare Department, Tirupattur"*** reported as **2013(20) RCR (Civil) 624**. Relevant paragraph thereof is reproduced hereunder:-

*"14. The ratio laid down in the above decision squarely*

*applies to the case on hand. Once the Court has taken the view that claimant is entitled to enhanced compensation, he should not be denied the same on the mere technical grounds of non-filing of the appeal by the claimant. Notwithstanding that the claimant has not preferred any appeal, to award fair and adequate compensation to the claimant, this review application has to be allowed.”*

6. In light of the discussion made herein above, based on the recommendation made by the then Collector, Gurdaspur, the respondent-landowner is held entitled for market value @ Rs.3800/-per marla for his acquired land forming part of the revenue estate of Batala, Hadbast No.211, especially, in terms of the conclusive findings recorded by the learned Reference Court with respect to the residential, commercial and institutional potential attached to the land under acquisition, besides its geographical location abutting the road.

7. Accordingly, the present appeal is dismissed, however, the respondent-landowner is held entitled for market value @ Rs.3800/-per marla along with other statutory benefits and interest, including interest on solatium as well.

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

01.12.2025

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

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No