

2025:PHHC:174674



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

RFA-1937-1996 (O&M)
Decided on:-12.12.2025

Kartar Singh and another Appellants.

vs.

The State of Punjab Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Hardip Singh, Advocate,
 for the appellants.

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

HARKESH MANUJA J. (Oral)

1. By way of present appeal, challenge has been laid to an award dated 11.05.1996 passed by the learned District Judge, Rupnagar (for short, “the Reference Court”), whereby reference petition filed at the instance of appellants-landowners invoking Section 18 of the Land Acquisition Act, 1894 (herein-after to be called as “the 1894 Act”), stands dismissed

2. Brief facts of the case are that some land owned by the appellants-landowners, situated in the revenue estate of Village Bassian was acquired vide notifications published on 24.10.1989 and 04.01.1990, issued under Sections 4 & 6 respectively of the 1894 Act, for the public purpose, namely, construction of S.Y.L. Canal. The Land Acquisition Collector passed the Award on 11.02.1990, including compensation for trees and orchards etc.

3. Being dissatisfied, the appellants-landowners filed reference seeking enhancement of compensation by invoking Section 18 of the 1894 Act, which came to be dismissed vide judgment dated 11.05.1996 passed by the learned Reference Court. Hence, the present appeal.

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

5. The only issue raised at the hands of learned counsel for the appellants-landowners is with respect to inadequate compensation awarded against the lemon trees.

6. A perusal of the impugned award shows that even the respondent's own witness, i.e., RW-1 Randhir Singh, Horticulture Development Officer, Kharar, admitted that there were 120 lemon trees existing over the acquired land, out of which 110 trees were of three years of age and 10 trees were of four years of age. It was also stated that there were 44 lemon trees of 2 years. The statement of Randhir Singh (RW-1), made in his examination-in-chief being relevant, is extracted hereunder:-

“On 14.01.1990 I visited the spot. Kartar Singh claimant alongwith one Lamberdar was present at the spot. There were 120 lemon trees, out of which 110 trees were of 3 years, 10 trees were of 4 years, These trees were in Khasra No.119/2, 170/2. I made by statement to the sum of Rs.13,112/-. I also inspected the land bearing Khasra No.172/2 owned by Kartar Singh. The spot was inspected in the presence of Kartar Singh. There were 44 lemon plants of two years and their value was assessed to the sum of Rs.2395.80. The copies of the assessment reports are Ex.R-1 and R-2.”

6.1 Though while passing the impugned Award, learned Reference Court refers to the aforesaid statement, however, it discarded the same

without recording any reasons.

6.2 A perusal of the deposition made by RW-1, Randhir Singh, shows that the said Horticulture Development Officer, Kharar, visited the site pertaining to the acquired land immediately after the acquisition process got initiated and, therefore, his testimony needs to be relied upon for the purpose of determining the number of trees existing over the acquired land at the relevant point in time. Further, for the purpose of valuation of the compensation amount, it needs to be carried out as per formula dated 15.05.1985, prepared by Dr. G.S. Nijjer, Director of Horticulture, Government of Punjab, Chandigarh.

7. In view of the aforesaid, the present appeal is partly allowed so as to carry out calculations in terms of Dr. Nijjer's formula dated 15.05.1985. Further, the appellants-landowners shall also be entitled for appreciation in terms of the difference of percentage in the price index from the date of formula prepared by Dr. Nijjer up to the date of notification under Section 4 of the 1894 Act in the case in hand (24.10.1989), besides award of all other statutory benefits provided under the 1894 Act.

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

12.12.2025

sonika

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No