

2025:PHHC:154509



RFA Nos.32 of 1997 (O&M) with other connected cases

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

107

1. RFA No.32 of 1997 (O&M)
Date of Decision: 10.11.2025

LAND ACQUISITION OFFICER AND ANR.Appellants

Vs

KASHMIR KAUR (DECEASED) TH. HER LRS ...Respondent(s)

2. RFA No.2192 of 1998 (O&M)

STATE OF PUNJABAppellant

Vs

SUKHDEV SINGH AND ORS. ...Respondent(s)

3. RFA No.2306 of 1998 (O&M)

STATE OF PUNJABAppellant

Vs

RAMJI SINGH ...Respondent(s)

4. RFA No.2419 of 1998 (O&M)

STATE OF PUNJAB AND ANR.Appellants

Vs

TARSEM LAL (DECEASED) THROUGH HIS LRS. ...Respondent(s)

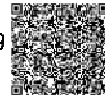
CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

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

Ms. Neha Jain, Advocate
for the respondents/landowners.

HARKESH MANUJA, J. (Oral)

[1]. Vide this common order, the aforementioned appeals are being decided as all 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.32 of 1997.



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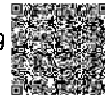
[2]. By way of present appeal(s), challenge has been laid to the Award dated 23.05.1996 passed by the learned Addl. District Judge, Hoshiarpur (hereinafter to be referred as the 'Reference Court'), whereby Reference Petition filed under Section 18 of the Land Acquisition Act, 1894 (for short 'the 1894 Act') at the instance of the landowner(s) was partly allowed while granting the benefit of enhanced market value @ Rs.74,400/- per acre for chahi land besides awarding statutory benefits/interest as provided under the 1894 Act.

[3]. Briefly stating, in the present case(s), land measuring 08 Kanal 13 Marlas situated within the revenue estate of village Bhaliala, Tehsil and District Hoshiarpur, came to be acquired vide Notifications dated 26.07.1988 and 06.09.1988 issued under Sections 4 & 6 of the 1894 Act respectively for the public purpose namely for construction of Dam and Canal, followed by an Award passed by the Land Acquisition Collector (for short 'the LAC') on 05.10.1990 thereby determining the market value of the acquired land as Rs.66.11 paise *per marla* for Barani land.

[4]. Aggrieved thereof, the appellant(s)-landowners invoked Reference under Section 18 of the 1894 Act, which came to be partly allowed by the learned Reference Court vide its award dated 23.05.1996, while granting them enhanced compensation @ Rs.74,400/- per acre *for* Chahi 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 the appellants/State.

[5]. Impugning the aforesaid Award, the learned State counsel submits that no reason was given by the learned Reference Court while granting

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enhancement in favour of the landowners, over and above the market value assessed by the LAC. He, thus submits that in the absence of there being any reason or justification for grant of enhancement coupled with absence of any reliable evidence available on record, the award of learned Reference Court is to be set aside and appeals filed at the instance of appellants/State are to be allowed.

[7]. On the other hand, learned counsel for the respondents/landowners submits that the market value of the acquired land was rightly assessed by the learned Reference Court while placing reliance upon the judgment dated 06.12.1993 (Ex.P-2) passed in L.A. Case No.5 of 11.01.1992 titled '*Chander Mohan and others vs. State of Punjab*' and, thus prays for dismissal of the appeal(s).

[8]. I have heard learned counsel for the parties and gone through the paper book.

[9]. In the present case, the market value has been assessed @ Rs.74,400/- per acre for the acquired land situated within the revenue estate of village Bhaliyala based on an Award dated 06.12.1993 (Ex.P-2) which also relates to the same revenue estate, though pertaining to the same notification dated 26.07.1988 issued under Section 4 of the 1894 Act.

[10]. From the perusal of record, it has been found that no challenge was ever made by either of the parties to the Award dated 06.12.1993 (Ex.P-2). In such circumstances, no illegality is found in the determination made by the learned Reference Court in the case(s) in hand as the aforementioned Award pertains to the same revenue estate though acquisition of land pertain to the notification dated 26.07.1988 under Section 4 of the 1894 Act, which is in close proximity of time to

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the present Notification dated 06.09.1988 consequently no interference is called for. Accordingly, all the appeals preferred at the instance of appellants-State are, thus dismissed.

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

November 10, 2025

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(HARKESH MANUJA)
JUDGE

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