



RFA Nos.809 and 1234 of 1996 (O&M)

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

103

1.

RFA No.809 of 1996 (O&M)

Date of Decision: 05.12.2025

OM PARKASH

.....Appellant

Vs

PUNJAB STATE THROUGH COLLECTOR, HOSHIARPUR ...Respondent(s)

2.

RFA No.1234 of 1996 (O&M)

THE STATE OF PUNJAB THROUGH COLLECTOR, HOSHIARPUR AND
ORS.Appellants

Vs

OM PARKASH

...Respondent(s)

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

Present: Mr. Munish Gupta, Advocate
for the appellant/landowner (through V.C.).

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

HARKESH MANUJA, J. (Oral)

[1]. Vide this common order, RFA Nos.809 and 1234 of 1996 are being decided as both the appeals 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.809 of 1996.

[2]. By way of present appeal, challenge has been laid to the Award dated 20.11.1995 passed by the learned Addl. District Judge, Hoshiarpur (hereinafter to be referred as the 'Reference Court').

[3]. Briefly stating, in the present case, land measuring 1 Kanal situated within the revenue estate of village Hariana, Tehsil and District Hoshiarpur, came to be acquired vide Notifications dated 12.08.1991 and 14.02.1992 issued under



RFA Nos.809 and 1234 of 1996 (O&M)

Sections 4 & 6 of the Land Acquisition Act, 1894 (for short the '1894 Act') respectively for the public purpose namely for widening of Hoshiarpur-Dasuya Road, followed by an Award passed by the Land Acquisition Collector (for short 'the LAC') on 18.01.1993, thereby determining the market value of the acquired land @ Rs.49,542/- per acre for chahi land and Rs.33,380.80 per acre for Barani land.

[4]. Aggrieved thereof, the appellant-landowner invoked Reference under Section 18 of the 1894 Act, which came to be partly allowed by the learned Reference Court vide its award dated 20.11.1995, while granting him enhanced compensation @ Rs.74,400/- per acre *qua* the acquired land besides awarding all other statutory benefits/interest under the 1894 Act.

Dis-satisfied with the Award passed by the learned Reference Court, the present appeals were preferred at the instance of appellant/landowner as well as respondent/State of Punjab.

[5]. Impugning the aforesaid Award, learned counsel for the appellant/landowner submits that the learned Reference Court failed to take into consideration the sale instances Ex.AW3/1 and Ex.AW3/2 which were proved on record by the appellant-landowner and were of period even prior to the date of issuance of notification under Section 4 of the 1894 Act in the case in hand. The above sale deeds also pertained to the same revenue estate of village Hariana, Hadbast No.76. Learned counsel, thus submits that while relying upon the aforementioned sale instances, the market value was required to be enhanced.

[6]. On the other hand, learned State counsel submits that no reasons at all were recorded by the learned Reference Court while enhancing the market value @ Rs.74,400/- per acre in favour of the appellant-landowner. He thus, submits that

the impugned judgment was liable to be set aside and the Award passed by the LAC was required to be restored.

[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/landowner.

[8]. A perusal of the record shows that following sale deeds were produced on record by the appellant-landowner for the purpose of seeking enhancement of compensation before the learned Reference Court, the details thereof are extracted hereunder:-

Exhibits	Land	Rate	Total consideration
Ex.AW3/1 dated 30.09.1987	13M-3 Sarsai Kh. No.61//23	Rs.2025/- per marla (Om Parkash to Sukhdev Singh)	Rs.27,000/-
Ex.AW3/2 dated 20.06.1990	0-10M Kh. No.61//23	Rs.2025/- per marla Om Parkash to Sat Pal Singh)	Rs.25,000/-
Ex.A3 dated 23.06.1992	0-2 M Kh. No.61//23	Rs.3500/- per marla (Om Parkash to Sukhdev Singh)	Rs.7,000/-

[9]. Perusal of the aforementioned sale instances, shows that all the three sale deeds pertain to the same Hadbast No.76 of village Hariana, Tehsil and District Hoshiarpur of which the land under acquisition belong to. Furthermore, all the three sale deeds pertain to the same Rectangle No.61 of which 01 Kanal of land has been acquired for the public purpose namely for widening of Hoshiarpur-Dasuya Road. In the given facts, the sale deed dated 20.06.1990 (Ex.AW3/2) vide which 10 marlas of land forming part of Rect. No.61 Killa No.23 was sold by the appellant-landowner himself to one Sat Pal Singh @ Rs.2500/- per marla being in



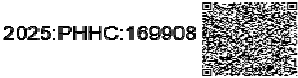
close proximity to the notification under Section 4 of the 1894 Act in the case in hand; in terms of time period, needs to be relied upon.

[10]. Since there is a time gap of almost 01 year between the date of sale deed dated (Ex.AW3/2) and date of issuance of notification under Section 4 of the 1894 Act in the case in hand, an appreciation @ Rs.10% per annum needs to be awarded over the base price per marla derived from the same; which thus comes to Rs.2750/- per marla. Since the acquisition in the present case relates to small parcel of land measuring 01 Kanal and the area forming part of said sale deed Ex.AW3/2) was 10 Marlas, a deduction @ 20% would suffice and the market value of the acquired land thus, comes to Rs.2200/- per marla.

[11]. Moreover, in the given facts since the acquisition in the case in hand has been carried out for the public purpose, namely, for widening of Hoshiarpur-Dasuya Road, and as such the respondents did not suffer any loss towards optimum utilization of the area acquired and also did not incur expenditure towards providing of additional infrastructural amenities like parks, green belts, roads and community buildings etc., no cut towards development costs needs to be imposed.

[12]. Accordingly, the market value for the land under acquisition is assessed @ Rs.2200/- per marla. In addition, the landowner shall also be entitled for award of all statutory benefits and interest as provided under the provisions of the 1894 Act (amended upto date) including interest on solatium as well.

[13]. Consequently, in view of the discussion made herein above, the appeal preferred at the instance of appellant-landowner is hereby partly allowed in the aforesaid terms and the appeal filed by the State of Punjab is, thus dismissed.



[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.

December 05, 2025	(HARKESH MANUJA)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No