



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

RFA No. 1786 of 2000 (O&M);
XOBJR-52-CI-2008; and
XOBJR-77-CI-2009 (O&M)
Date of Decision: 01.12.2025

State of Punjab

...Appellant

Versus

Surinder Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Gunjan Mehta, Additional Advocate General, Punjab
for the appellant-State of Punjab.

Mr. Naresh Kaushal, Advocate with
Mr. Nitish Kaushal, Advocate
for respondent No. 4/cross-objector (Narinder Pal Singh)
(in Cross-Objection No. 52-CI of 2008)

Ms. Kanchan Sindhu, Advocate for
Mr. Pritam Singh Saini, Advocate
for respondent Nos. 1 to 3/cross-objectors
(in Cross-Objection No. 77-CI of 2009)

HARKESH MANUJA, J. (ORAL)

[1] By way of present appeal, the appellant-State of Punjab seeks setting aside of an award dated 02.03.2000 passed by the learned Additional District Judge, Rupnagar (**hereinafter to be referred as "Reference Court"**), whereby the reference petition(s) filed by the respondent(s)-landowner(s) were accepted, while assessing the market value of the acquired land at the enhanced rate of Rs.5,96,000/- per acre alongwith other statutory benefits.

[1.1] On the other hand, in Cross-Objection No. 77-CI of 2009 (filed by respondent Nos. 1 to 3) and Cross-Objection No. 52-CI of

2008 filed by respondent No. 4, the prayer is for enhancement of the aforesaid compensation amount awarded by the learned Reference Court.

FACTS

[2] Briefly, the facts are that in pursuance of Punjab Govt. Notification under Section 4 of the Land Acquisition Act, 1894 (**for brevity “1894 Act”**) issued on 25.07.1991, followed by Notification dated 17.06.1992 under Section 6 thereof, certain land of the respondents-landowners situated within the revenue estate of Village Sohana, Tehsil Kharar, District Ropar (now District SAS Nagar / Mohali) was acquired for the public purpose of construction of Police Station, Sohana. The Land Acquisition Collector, Kharar (**for short “LAC”**) vide Award No.1 dated 22.07.1994, awarded compensation at the rate of Rs. 1 lakh per acre.

[3] Dissatisfied with the aforesaid Award, landowners / interested persons filed objections under Section 18 of the 1894 Act, which were allowed vide decision dated 02.03.2000 by the learned Reference Court, whereby market value of the acquired land was assessed / enhanced at the rate of Rs. 5,96,000/- per acre alongwith all statutory benefits under the 1894 Act.

Hence, the present appeal / cross-objections.

CONTENTIONS:

ON BEHALF OF APPELLANT-STATE OF PUNJAB

[4] Impugning the aforementioned award dated 02.03.2000, learned counsel for the appellant-State of Punjab submits that the reliance placed upon by the learned Reference Court on the judgment dated 06.01.2000 of this Court in ***RFA No. 1270 of 2000***, titled as

“Bhagat Singh Versus State of Punjab” and granting market value at the rate of Rs. 5,96,000/- per acre to the respondents-landowners was wholly misplaced as in that case, the acquisition proceedings commenced vide notification dated 11.11.1993, whereas the present acquisition relates to notification Section 4 of the 1894 Act issued on 25.07.1991.

Learned counsel for the appellant further submits that the impugned award passed by the learned Reference Court was liable to be set aside, especially when no evidence in the form of any sale deed pertaining to the revenue estate of Village Sohana being prior to the date of notification under Section 4 of the 1894 Act was produced on record from the side of respondents-landowners.

Learned counsel thus submits that the present appeal preferred at the instance of State of Punjab is required to be allowed.

ON BEHALF OF CROSS-OBJECTOR(S)/RESPONDENT(S)

[5] On the other hand, learned counsel(s) for the cross-objectors/respondent(s) submit(s) that the learned Reference Court, while having placed reliance upon the Award dated 06.01.2000 by the learned Reference Court in case of **Bhagat Singh (supra)**, had already applied deduction for the time gap as the notification under Section 4 of the 1894 Act in the said case, i.e. 11.11.1993 was subsequent to the notification *vis-à-vis* the notification in the present case i.e. 25.07.1991, awarded market value at the rate of Rs. 5,96,000/- per acre instead of Rs. 6,45,000/- per acre.

Learned counsel(s) for the cross-objector(s) further submit(s) that being dis-satisfied with the award dated 06.01.2000, the landowners relating to acquisition of 11.11.1993 notification,

approached this Court having filed ***Bhagat Singh's case (supra)***, which came to be decided on 13.03.2007 while being disposed off in terms of judgment dated 23.08.2006 passed in ***RFA No. 2322 of 1998, titled "Harbachan Kaur and others Versus The State of Punjab"***, wherein the market value was enhanced from Rs. 6,45,000/- per acre to Rs. 8,00,000/- per acre. Learned counsel thus submits that the respondents-landowners/cross-objectors were entitled for award of increase in the same proportion and, therefore, the cross-objections were consequently required to be allowed. Relevant portion from the decision dated 23.08.2006 passed in ***Harbachan Kaur's case (supra)*** is extracted hereunder:-

" For the reasons recorded above, appeals, being R.F.A. Nos. 2322 and 3898 of 1998, 4621 of 2001 and 2232 of 2004 filed by the appellants-land-owners for enhancement of compensation are partly allowed by enhancing the amount of compensation to Rs. 08 lacs per acre instead of Rs. 6,45,000/- per acre awarded by the Additional District Judge, Ropar along with all the statutory benefits available under the Act as awarded by the Additional District Judge, Ropar. The appellants/land-owners are directed to pay the court fee, if not paid earlier, on the enhanced amount of compensation, within three months from today to claim the enhanced amount of compensation.

Appeal, being R.F.A. No. 2559 of 1998 filed by the State of Punjab for setting aside the award passed by Additional District Judge, Rupnagar, fails and is hereby dismissed. "

No other point has been raised.

DISCUSSION AND REASONING

[6] After hearing learned counsel for the parties and having gone through the paper-book / records, I find substance in the submission(s) made on behalf of the respondent(s)-landowner(s).

[7] In the present case, the respondents-landowners though made an effort to produce on record sale-deeds from the revenue estate of Villages Kumbra and Sohana, however, the two sale-deeds Exhibits P-4 & P-5, which formed part of the revenue estate of Village Sohana, both pertained to the post notification and therefore, could not be relied upon. Besides it, the other sale deeds Exhibits P-1 to P-3, P-10 & P-11, all relate to the revenue estate of Village Kumbra, whereas the land under acquisition forms part of the revenue estate of Village Sohana. In such circumstances, there was no illegality or perversity committed by the learned Reference Court while placing reliance upon the Award dated 06.01.2000 passed in Land Reference ***Bhagat Singh (supra)***, whereby the land forming part of the revenue estate of Village Sohana was acquired vide Notification dated 11.11.1993 by applying appropriate de-escalation.

[8] As a matter of fact, vide award dated 06.01.2000, the learned Reference Court granted market value at the rate of Rs.6,45,000/- per acre for the land acquired vide notification dated 11.11.1993, whereas for the acquisition in the present case commenced vide Notification dated 25.07.1991, the learned Reference Court vide its impugned award granted the market value at the rate of Rs. 5,96,000/- per acre, thereby applying appropriate deduction for the time gap between the two notifications.

[9] From the record, it can be discerned that the final determination of the market value with respect to the Notification dated 11.11.1993 issued under Section 4 of the 1894 Act pertaining to the revenue estate of Village Sohana, now stands adjudicated upon by this Court in case of **Harbachan Kaur’s (supra)** and the compensation stands enhanced from Rs. 6,45,000/- to Rs. 8,00,000/- per acre and the benefit of said appreciation needs to be granted in favour of the respondents-landowners / cross-objectors.

[10] Considering the fact that there has been a time gap of around two years and three months between the two notifications i.e. 25.07.1991 (relating to present case) and 11.11.1993 [relating to **Harbachan Kaur’s case (supra)**], de-escalation at the rate of 10% per annum needs to be applied. Accordingly, the market value of the land under acquisition comes to **Rs. 6,28,470/- per acre**, as per the calculation below:-

Description	Amount per acre (in Rs.)
Compensation awarded in RFA-2322-1998 titled “Harbachan Kaur and others <u>Versus</u> The State of Punjab”	8,00,000.00
Less: De-escalation @ 10% per annum (w.e.f. 11.11.1993 to 10.11.1992) (Rs. 8,00,000 x 10%)	80,000.00
	7,20,000.00
Less: De-escalation @ 10% per annum (w.e.f. 11.11.1992 to 10.11.1991) (Rs. 7,20,000 x 10%)	72,000.00
	6,48,000.00
Less: De-escalation @ 10% per annum (w.e.f. 11.11.1991 to 25.07.1991 = 110 days) (Rs. 6,48,000 x 10% x 110/365)	19,528.77
Net Compensation	6,28,471.23
Awarded Compensation	6,28,470.00 (Round off)

DECISION

[11] In the light of above, Award dated 02.03.2000 passed by the learned Reference Court is hereby modified. The landowners are held entitled to the market value at the rate of **Rs. 6,28,470/- per acre** alongwith consequential / statutory benefits and interest as provided in the Act of 1894 (as amended up-to-date), especially the interest on solatium as well.

[12] Consequently, the appeal filed by the **State of Punjab** is hereby **dismissed**, whereas the **cross-objections** filed by the respondent(s)-landowner(s) are **allowed**.

[13] Also, wherever the landowner(s) has/have unfortunately died in the appeal(s) / cross-objection(s) after filing thereof and the legal representatives 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.

[14] Pending miscellaneous application(s), if any, shall stand(s) disposed off.

December 01, 2025

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**(HARKESH MANUJA)
JUDGE**

Whether Speaking / Reasoned :	Yes	No
Whether Reportable :	Yes	No