



RFA No.2498 of 1998 (O&M) with other connected cases

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

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1. RFA No.2498 of 1998 (O&M)
Date of Decision: 17.11.2025

**THE ABOHAR INTEGRATED COOPRATIVE COTTON GINNING AND
SPINNING MILLS LTD**Appellant
Vs
KAHANA RAM (DIED) TH. HIS LRs AND ORS. ...Respondent(s)

2. RFA No.3253 of 1998 (O&M)

VIKRAMJEET (DECEASED) TH. HIS LRsAppellant(s)
Vs
THE STATE OF PUNJAB AND ANR. ...Respondent(s)

3. RFA No.3254 of 1998 (O&M)

DEEWAN HAND (DECEASED) TH. HIS LRAppellant
Vs
THE STATE OF PUNJAB AND ANR. ...Respondent(s)

4. RFA No.3703 of 1998 (O&M)

BHAJAN SINGHAppellant
Vs
STATE OF PUNJAB AND ANR. Respondent(s)

5. RFA No.1711 of 1999 (O&M)

DALIP CHANDAppellant
Vs
THE COLLECTOR, ABOHAR AND ANR. ...Respondent(s)

6. RFA No.1712 of 1999 (O&M)

KRISHAN KUMAR AND ORS.Appellants
Vs
THE COLLECTOR, ABOHAR AND ANR. ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Renu Sharma, Advocate
for the appellant in RFA No.2498 of 1998 and
for respondent No.2 in other appeals.

Mr. Kishan Garg, Advocate
for the respondents in RFA No.2498 of 1998 and
for the appellants/landowners in other appeals.



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

HARKESH MANUJA, J. (Oral)

[1]. Vide this common order, the aforementioned Regular First Appeals, are being decided as the same 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.2498 of 1998.

[2]. By way of present appeal(s), challenge has been laid to the Award dated 24.02.1998 passed by the learned Addl. District Judge, Ferozepur (hereinafter to be referred as the 'Reference Court'), whereby Reference Petitions filed under Section 18 of the Land Acquisition Act, 1894 (for short 'the 1894 Act') at the instance of the landowners were partly allowed while granting them the benefit of enhanced market value @ Rs.40,000/- per acre for Nehri Chahi land, Rs.25,000/- per acre for Barani land and Rs.20,000/- per acre for Banjar land besides awarding statutory benefits/interest as provided under the 1894 Act.

[3]. Briefly stating, in the present case(s), land measuring 284 Kanals 05 Marlas situated within the revenue estate of village Alamgarh, Tehsil Abohar, District Ferozepur, came to be acquired vide Notification dated 15.03.1991 issued under Section 4 of the 1894 Act (Notification under Section 6 was also issued on the same date i.e. 15.03.1991) for the public purpose namely for setting up the Abohar Integrated Co-operative Cotton Ginning and Spinning Mills Limited. An Award under Section 11 of the 1894 Act was announced by the Land Acquisition Collector (for short 'the LAC') on 30.12.1992 thereby assessing the market value of the acquired land in the following manner:-

"Nehri Rs.25,000/- per acre



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<i>Brani</i>	<i>Rs.10,000/- per acre</i>
<i>Banjar</i>	<i>Rs.8,000/- per acre</i>

[4]. Dis-satisfied with the aforementioned Award by the LAC, the appellant(s)-landowner(s) invoked Reference under Section 18 of the 1894 Act, which came to be partly allowed by the learned Reference Court vide its award dated 24.02.1998, thereby increasing the market value to Rs.40,000/- per acre for Nehri Chahi land, Rs.25,000/- per acre for Barani land and Rs.20,000/- per acre for Banjar land besides award of statutory benefits/interest as provided under the 1894 Act.

Aggrieved thereof, the present appeals were preferred at the instance of the beneficiary/Mill as well as the landowners.

[5]. Impugning the aforesaid Award, learned counsel for the appellants/landowners submits that an appropriate increase in the compensation for the acquired land was to be made by the learned Reference Court in terms of its location and potential value being close to Abohar-Sri Ganga Nagar Road and Abohar City, as such the appeals filed at the instance of the appellants/landowners were to be allowed.

[6]. Contrary to the above, learned counsel for the appellant/beneficiary-Mill submits that no reason was given by the learned Reference Court while granting enhancement in favour of the landowners, over and above the market value assessed by the LAC. She, thus submits that in the absence of there being any reason or justification for grant of enhancement and coupled with absence of any reliable evidence available on record, the appeal filed at the instance of the beneficiary Mills was to be allowed.



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[7]. In addition, learned State counsel submits that a well-reasoned and justified Award had been passed by the learned Reference Court upon appreciation of the pleadings and the evidence available on record which, thus calls for no interference and, thus prays for dismissal of the appeal(s) preferred at the instance of the appellants/landowners.

[8]. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the appellants/landowners.

[9]. A perusal of the impugned Award shows that a positive finding of fact has been recorded by the learned Reference Court that the acquired land is situated at a distance of 5½ Kms. from Abohar City on Abohar-Sri Ganga Nagar Road and there are some farm houses and proposed site of ITI near the acquired land. In this view of the aforesaid, it was established that the land under acquisition was having commercial and locational advantage attached to it due to its location.

[10]. Futher, reliance was placed on the decision dated 20.04.2009 passed by this Court in **RFA No.2586 of 1999** and other connected cases titled **'Tara Chand Vs. The Land Acquisition Collector and another'** by learned counsel for the appellants/landowners, whereby some land situated in the revenue estate of village Azimgarh (Abohar) was acquired vide Notification dated 12.11.1991 for the public purpose of construction of New Water Works. It was also submitted by learned counsel for the appellants/landowners that village Alamgarh and Azimgarh are located opposite to each other on the Abohar-Sri Ganga Nagar Road and this fact has not even been disputed by learned State counsel.

[11]. In the aforementioned circumstances, when the acquired land existed on the Abohar-Sri Ganga Nagar Road and was located just opposite to the revenue



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estate of village Azimgarh and the two revenue estates i.e. Alamgarh and Azimgarh were at equi-distance from the Abohar City, reliance can be placed upon the decision passed in the aforementioned case of *Tara Chand Vs. The Land Acquisition Collector and another* (supra) wherein market value of the land acquired from the revenue estate of village Azimgarh (Abohar) was determined at Rs.60,000/- per acre and the same was also approved by the Hon'ble Apex Court. However, considering the fact that there has been time gap of almost 08 months between the two notifications; as the notification under Section 4 of the 1894 Act in the present case was issued on 15.03.1991 whereas the notification under Section 4 of the said Act in the case of *Tara Chand Vs. The Land Acquisition Collector and another* (supra) was issued on 12.11.1991, therefore, a deduction @ 15% needs to be applied over the determination made by this Court in the aforementioned case and accordingly, the market value as on the date of notification under Section 4 of the 1894 Act in the present case(s) comes to Rs.51,000/- per acre.

[12]. Accordingly, the market value for the land under present acquisition is assessed @ Rs.51,000/- per acre. In addition, the landowners shall also be entitled for award of all other statutory benefits and interest as provided under the provisions of the 1894 Act (amended upto to date). The landowners shall also be entitled for solatium @ 30% besides award of interest thereupon.

[13]. Accordingly, in view of the discussion made herein above, the appeals preferred at the instance of appellants-landowners are hereby partly allowed in the aforesaid terms whereas RFA No.2498 of 1998 filed by the Abohar Integrated Cooperative Cotton Ginning and Spinning Mills Ltd., is thus dismissed.



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[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.

November 17, 2025	(HARKESH MANUJA)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No