

2025:PHHC:169696



113 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA-298-2000 (O&M)

Decided on:-01.12.2025

State of Punjab and others

....Appellants.

VS.

Bharath Singh and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

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

None for the respondents.

HARKESH MANUJA J. (Oral)

1. By way of present appeal, challenge has been laid to an award dated 22.05.1999 passed by the Additional District Judge, Gurdaspur (for short, “the Reference Court”), whereby reference petition filed at the instance of respondents-landowners invoking Section 18 of the Land Acquisition Act, 1894 (herein-after to be called as “the 1894 Act”), stand partly allowed.

2. Brief facts of the case are that land measuring 1 kanal owned by the respondent(s)-landowner(s), situated in the revenue estate of Village Jugial, Tehsil Pathankot, was acquired vide notifications dated 03.12.1992 and 03.05.1993, issued under Sections 4 & 6 respectively of the 1894 Act, for the public purpose, namely, construction of Shahpur Kandi Hydrel Channel/canal. The Land Acquisition Collector passed the Award on

04.07.1995.

3. Aggrieved of the award passed by the Land Acquisition Collector, the respondents-landowners invoked reference petition under Section 18 of the 1894 Act, seeking enhancement of compensation. Upon consideration of the material available on record, the Reference Court vide its award dated 22.05.1999, partly accepted the reference petition, enhancing the market value of the acquired land to the tune of Rs.1000/- per marla along with other statutory benefits.

4. Dissatisfied with the aforesaid award, appellant-State has filed the present appeal.

5. Learned counsel for the appellant-State submits that the learned Reference Court erred in law while adopting the previous award dated 06.08.1997 Ex.A-2 passed by the Reference Court in relation to the same notification. He further submits that for the purpose of assessment of market value, the learned Reference Court was required to rely upon two sale instances Ex.R-2 and Ex.R-3 dated 16.08.1991 and 12.08.1991 respectively, produced by the appellant-State as these sale deeds represented the prevailing market value. No other argument has been addressed.

6. No one has put in appearance on behalf of the respondents.

7. I have heard learned counsel for the appellant and gone through the paper book.

8. A perusal of record shows that the award dated 06.08.1997 Ex.A-2 was passed by the Reference Court in relation to same revenue estate and under the same notification as well as for the same very purpose, wherein compensation was awarded at the rate of Rs.1000/- per marla.

Furthermore, the award dated 06.08.1997 Ex.A-2 was based on earlier 11

decisions and all of them were relating to land similarly situated or nearby villages and acquired for canal-related projects. In such circumstances, similarly situated landowners can not be treated differently.

8.1 As regards the reliance placed upon sale instances Ex-R2 and Ex-R-3 by the appellant-State, the learned Reference Court has rightly discarded those as both the sale instances pertained to very small pieces of land, which usually do not reflect the true market value of the compulsory acquired land and the average price of these sales was lower than the Land Acquisition Collector award. Moreover, the sale instances Ex.R-2 and Ex-R-3 do not correspond in time, location, or larger contextual circumstances to the acquisition under consideration. Furthermore, the learned counsel for the appellant has not been able to produce any substantial or convincing evidence to contradict the earlier award dated 06.08.1997 Ex.A-2 passed by the learned Reference Court. In such circumstances, the learned Reference Court committed no illegality or perversity while awarding the enhanced compensation @ Rs.1000/- per marla.

9. Accordingly, in view of the discussion made herein-above, finding no merits in the present appeal, the same is thus, dismissed. The respondents-landowners shall be entitled to all statutory benefits and interest including interest on solatium under Section 23(1-A) of the 1894 Act.

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

01.12.2025

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(HARKESH MANUJA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No