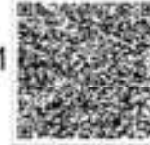


2025:PHHC:171961



117 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Decided on:-08.12.2025

1. RFA-729-2000 (O&M)

Sewak Singh

....Appellant.

vs.

Land Acquisition Collector, Punjab State
Electricity Board and anr.

....Respondents.

2. RFA-779-2000 (O&M)

Joginder Singh and others

....Appellants.

vs.

Land Acquisition Collector, Punjab State
Electricity Board and anr.

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. B.R. Mahajan, Senior Advocate with
Ms. Perna Malhotra, Advocate and
Ms. Harita Dhanda, Advocate
for the appellants-landowners.

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

HARKESH MANUJA J. (Oral)

1. This common judgment shall dispose of the aforementioned
two connected Regular First Appeals, as they all involve common question
of law and facts.

1.1 For convenience, the facts are being taken from **RFA-729-2000**
(O&M).

2. By way of present appeal, challenge has been laid to an Award

dated 10.12.1999 passed by the learned Additional District Judge, Amritsar (for short, "Reference Court"), whereby, reference petition(s) preferred at the instance of appellants-landowners invoking Section 18 of the Land Acquisition Act, 1894 (for brevity, "**1894 Act**"), were dismissed.

3. Brief facts of the case are that some land owned by the appellants-landowners, situated in the revenue estate of village Assal, Hadbast No.174, Tehsil Patti, District Amritsar, came to be acquired vide notifications dated 05.04.1988 published on 23.04.1988 and 09.05.1988, published on 16.08.1988 issued under Sections 4 and 6, respectively, of the Land Acquisition Act, 1894 (for short, "the 1894 Act"), for the public purpose namely, for construction of 220 K.V. Sub Station of PSEB at Patti. The Land Acquisition Collector vide its Award dated 22.12.1988, assessed the market value of the acquired land at the rate of Rs.43,840/- per acre for chahi/nehri land, Rs.27,840/- per acre for *barani* land and Rs.65,260/- per acre for *gair mumkin* land.

4. Feeling dissatisfied with the award passed by the Land Acquisition Collector, appellant(s)-landowner(s) preferred reference petition(s) under Section 18 of the 1894 Act, seeking enhancement of compensation. Upon consideration of the material available on record, the learned Reference Court vide its award dated 10.12.1999, dismissed the same.

5. Aggrieved of the aforesaid decision of the learned Reference Court, the appellants-landowners preferred the aforementioned appeals.

6. Impugning the aforementioned award, learned Senior Counsel representing the appellants submits that the learned Reference Court went

wrong having failed to rely upon the sale instances Ex.AW8/1 to Ex.AW8/3, which pertained to the same revenue estate of villatge Assal, District Amritsar. Learned Senior Counsel points out that though the sale instances Ex.AW8/1 to Ex.AW8/3 were taken note of in the impugned award passed by the learned Reference Court, however, no reasons were recorded so as to discard those instances. Learned Senior counsel thus, submits that the market value was required to be enhanced while relying upon the aforementioned sale instances and as such, the impugned award was liable to be set aside/modified.

7. On the other hand, learned counsel for the respondent-State submits that the award passed by the learned Reference Court was based on proper appreciation of pleadings and evidence available on record thus, the same calls for no interference.

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 record shows that the following three sale instances were produced and proved on record from the side of the appellants-landowners:-

Sr. No.	Date of sale deed/Exhibits	Area/Sale consideration	Price per acre
1.	Sale deed 19.05.1982 (Ex.AW8/1)	2 kanal/ Rs.22,000/-	Rs.88,000/- per acre
2.	Sale deed dated 30.10.1987 (Ex.AW8/2	10 marla/Rs.16,000/-	Rs.2,56,000/- per acre
3.	Sale deed dated 03.07.1987 (Ex.AW8/3)	11 marla/Rs.10,000/-	Rs.1,45,454/- per acre

9.1 From the above sale instances, it is clear that the sale deed dated

30.10.1987 (Ex.AW8/2), vide which, 10 marlas of land was sold for a sum of Rs.16,000/- and the base price per acre was Rs.2,56,000/- being the sale instance fetching the highest sale price was required to be relied upon, especially, when it pertained to the very same revenue estate of village Assal, Hadbast No.174, Tehsil Patti, District Amritsar as that of the land under acquisition. Moreover, no evidence was ever led by the respondents to controvert that it was not related to the same revenue estate or was not of similar nature of land as that of the acquired land.

10. Furthermore, a perusal of record shows that no evidence was ever led from the side of respondents to show that the sale instance Ex.AW8/2 dated 30.10.1987 was not a bonafide or genuine transaction. In such circumstances, the learned Reference Court was required to assess the market value of the acquired land while relying upon sale instance Ex.AW8/2 dated 30.10.1987, however, considering the fact that the said sale deed Ex.AW8/2 pertained to a small parcel of 10 marlas of land, whereas, the acquired land measured around 45 kanals 6 marals as such, taking into account the smallness of the area involved in the sale exemplar, an appropriate cut of 40% is sufficient to be applied, especially, taking into account that the acquired land is abutting the already constructed 220 KV sub-station of PSEB at Patti and all necessary amenities are already existing in the close vicinity.

10.1 Moreover, in view of the fact that the acquisition relates to the public purpose namely, for construction of 220 KV sub-station of PSEB at Patti, respondent-State did not suffer any loss of land or incurred any cost towards providing of additional infrastructural amenities, thus, no cut

towards development cost is required to be applied.

10.2 Accordingly, the market value per acre for the acquired land is assessed on the basis of sale instance Ex.AW8/2 dated 30.10.1987, whereby 10 marla of land was sold for a sum of Rs.16,000/- and the price per acre was Rs. 2,56,000/-. Upon applying appropriate cut of 40% towards smallness of area involved in the sale exemplar, the market value of the acquired land comes to Rs.1,53,600/-, along with all other statutory benefits and interest, including the benefit of interest on solatium.

11. In view of the aforesaid discussion, the appeals filed at the instance of appellants-landowners are partly allowed.

12. Further, in case of unfortunate demise of any of the appellants-landowners, if the legal heir(s)-legal representative(s) have not been brought on record, they shall be entitled for filing exemption applications in their own names being legal heirs or legal representatives of the deceased-landowners; subject of course to any testamentary document created by the deceased.

13. Pending application, if any, also stands disposed of.

08.12.2025

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No