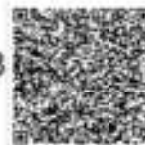


2025:PHHC:158703



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

Decided on:-17.11.2025

1. RFA-809-2000 (O&M)

Bhagwant SinghAppellant.

vs.

The State of Punjab and othersRespondents.

2. RFA-3184-1999 (O&M)

Smt. Durga Devi Taneja (now deceased) thr. her Lrs. ..Appellant...

vs.

The State of Punjab and another ..Respondents...

3. RFA-339-1999 (O&M)

Balbir Singh ..Appellant...

Vs.

The State of Punjab and another ..Respondents...

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Naveen Chhabra, Advocate and
Mr. Raghav Taneja, Advocate,
for the appellant(s)-landowner(s) (in RFA-809-2000
and RFA-3184-1999).

Mr. Vikas Kumar Gupta, Advocate,
for the appellant(s)-landowner(s) (in RFA-339-1999).

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

HARKESH MANUJA J. (Oral)

CM-2847-CI-2024 in RFA-3184-1999

Prayer in this application is for impleading the legal representatives of appellant-Durga Devi and Sham Sunder Taneja (pre-deceased son of Durga Devi), who died on 09.01.2022 and 22.08.2016 respectively.

Notice of the application.

Mr. Gunjan Mehta, Addl. A.G., Punjab accepts notice of the application and raises no objection to the prayer made in the application.

Having heard learned counsel for the parties and gone through the contents of the application, prayer made herein is allowed and persons mentioned in paras 2 & 3 of the application are ordered to be impleaded as the legal representatives of appellant-Durga Devi (now deceased) and Sham Sunder Taneja (pre-deceased son of Durga Devi).

Amended memo of parties is taken on record.

Main cases

1. Vide this common judgment, the aforementioned three Regular First Appeals are being decided as all have arisen out of the same award.

1.2 For convenience, the facts are being taken from RFA-809-2000 (O&M).

2. By way of present appeals, challenge has been laid to an Award dated 02.09.1998 passed by the learned Additional District Judge, Ferozepur (for short, "Reference Court"), whereby, reference petition(s) preferred at the instance of appellant(s)-landowner(s) invoking Section 18 of the Land Acquisition Act, 1894 (for brevity, "1894 Act"), were partly accepted.

3. Brief facts of the case are that some land owned by the appellant(s)-landowner(s), situated in the revenue estates of Villages Basti

Pathanawali and Mamdot Uttar, was acquired vide notifications dated 12.05.1994 & 25.11.1994, issued under Sections 4 & 6 respectively of the 1894 Act, for the public purpose, namely, construction of New Mandi Township at Mamdot, Tehsil & District Ferozepur. The Land Acquisition Collector vide its Award dated 14.03.1995, assessed the market value of the acquired land @ Rs.50,000/- per acre along with other statutory benefits.

4. Dissatisfied with the award of the Land Acquisition Collector, the appellant(s)-landowner(s) filed separate reference petition(s) under Section 18 of the 1894 Act, seeking enhancement of compensation. Upon consideration of the material available on record, the Reference Court vide its decision dated 02.09.1998, awarded the enhanced compensation at the rate of Rs.1,80,000/- per acre for the land situated at village Mamdot and Rs.1,70,000/- per acre for the land situated at village Basti Pathanawali besides, grant of all other statutory benefits.

5. Aggrieved of the aforesaid Award passed by the learned Reference Court, the appellant(s)-landowner(s) preferred the aforementioned appeals.

6. Impugning the aforementioned award dated 02.09.1998, learned counsel for the appellant(s)-landowner(s) submits that the learned Reference Court went wrong while not placing reliance upon the two sale instances dated 16.04.1993 i.e. Ex.A-1 and Ex.A-4, vide which, 02 marlas of land, was sold for a sum of Rs.12,500/- each and the market value of land per acre was Rs.10 lacs. He submits that even from the other documentary evidence in the form of registered agreement to sell(s) Ex.A2, Ex.A3, Ex.A5 and A7, the market price per acre was around Rs.10 lacs, in and around the acquired land

within the same revenue estate of village Basti Pathanawali. He thus, submits that the market value was required to be enhanced on the basis of evidence available on record. Learned counsel also points out that reliance could have also been placed on the sale deeds dated 16.04.1993 (Ex.A-1 and Ex.A-4) for 02 marlas of land by applying appropriate deduction towards the smallness of area.

6.1 Learned counsel further submits that the market value awarded with respect to the constructed house and tube-well on the acquired land was also on the lower side and therefore, required to be enhanced.

7. On the other hand, learned counsel appearing on behalf of respondent-State submits that the award passed by the learned Reference Court was based on proper appreciation of evidence available on record and the same, thus calls for no interference. He points out that the sale instances dated 16.04.1993 (Ex.A-1 and A-4) were since for small parcel of land measuring 2 marlas and thus, were rightly discarded by the learned Reference Court.

8. I have heard learned counsel for the parties and gone through the paper book.

9. In the present case, it has come on record that the land under acquisition is located on the main road and the office of Punjab State Electricity Board is situated at a distance of around 1 km therefrom and thus, has the locational advantage attached to it. The relevant extract from para 14 of the impugned award to the aforesaid effect is reproduced hereunder:-

“14. The respondents produced Dilbagh Singh Patwari who brought the record of different sale deeds Ex.R1 to Ex.R13. On cross-examination he has stated that there is a cinema at a

distance of 3/4 k.m. from the acquired land. The office of P.S.E.B. is at a distance of one Kilometer. The land is on the main road.....”

9.1 Further, in support of their claim, the appellant(s)-landowner(s) produced the following relevant documentary evidence in the form of sale deeds and the registered agreement to sells:-

Sr. No.	(Exhibits)-Sale deed/agreement to sell dated	Total land with price
1	Ex.A1, Sale deed dated 16.04.1993, village Basti Pathanawali	2 marla sold for Rs.12,500/- (Rs.10 lacs per acre)
2.	Ex.A2 Regd.Agreement to Sell dated 25.04.1994, village Basti Pathanawali	8 kanals Rs.13 lacs per acre
3.	Ex.A3 Regd. Agreement to sell dated 25.04.1994, village Basti Pathanawali	15 kanal 8 marla for Rs.30,00,000/- (Rs.16 lacs per acre)
4	Ex.A4 Sale deed dated 16.04.1993, village Basti Pathanawali	2 marla sold for Rs.12,500/- (Rs.10 lacs per acre)
5	Ex.A5 Regd. Agreement to sell dated 20.04.1993, village Basti Pathanawali	7 kanal 15 marla for Rs.12,00,000/- (Rs.12,38,000/- per acre)
6	ExA7 Agreement to sell dated 16.04.1993, village Basti Pathanawali	Rs.10,50,000/- per acre

A perusal of the aforesaid evidence shows that as per two sale deeds dated 16.04.1993 (Ex.A-1 and A-4), 02 marlas of land each, situated in the revenue estate of Village Basti Pathanawali was sold for Rs.12,500/- each and the sale consideration per acre was Rs.10 lacs. Similarly, as per Ex.A-2, Ex.A-3 and Ex.A-5, which are all registered agreement to sell and pertain to the same revenue estate of village Basti Pathanawali, the market value per acre has been approximately Rs.10 lacs per acre. The date of sale deeds Ex.A-1 and A-4 as well as agreement to sells Ex.A2, Ex.A3 and Ex.A5, all have been in close proximity with the date of notification under Section 4 of the 1894 Act in the present case. In such circumstances, the learned Reference Court could not have discarded the sale deeds dated

16.04.1993 (Ex.A-1 and Ex-A4) merely on the ground that the same pertained to small parcels of land; considering an appropriate cut could have been applied for finding out a realistic price per acre in terms thereof.

10. In the given facts and circumstances, when the total land acquired was around 30 acres, a cut of 60% over the sale price per acre derived from two sale deeds Ex.A-1 and A-4 would suffice towards the smallness of area involved therein and as such, the market value as on the date of notification under Section 4 of the 1894 Act in the present case, comes to Rs.4 lacs per acre.

11. In the present case, land under acquisition consists of two villages namely, Mamdot and Basti Pathanawali, however, considering the fact that the acquisition has been carried out for the sole purpose of construction of New Mandi Township at Mamdot and the entire acquired land is one compact block, admittedly, situated on the main road as such, the appellant(s)-landowner(s) of both the aforementioned revenue estates are awarded the market value at the uniform rate of Rs.4 lacs per acre, besides grant of all other statutory benefits and interest as provided under the 1894 Act (Amended upto-date), especially, interest on solatium.

12. As regards the enhancement of compensation with respect to the constructed house, tube-well or the trees on the acquired land, no material has been brought on record by the appellants-landowners to support the contention towards grant of increase of any compensation, thus, no interference is called for with respect to the said claim.

13. In view of the aforesaid discussion, the appeals filed at the instance of appellant(s)-landowners are partly allowed.

14. 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.

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

17.11.2025
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/ No