2025:PHHC:122333

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

RFA-463-1998 (O&M)
Reserved on :- 04.09.2025
Pronounced on:-09.09.2025

Mal Singh ....Appellant..

vs.

The Land Acquisition Collector, Chandigarh
and another ....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Parvinder Singh, Advocate,
for the appellant.

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

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HARKESH MANUJA J. (Oral)

1. The present appeal arises out of an award dated 12.01.1998 passed by the learned Additional District Judge, Ludhiana ***(for short, "Reference Court")*** and the prayer made herein is for enhancement of compensation.

2. Briefly stating, some land owned by the appellant situated in the revenue estate of Village Phullanwal, District Ludhiana, came to be acquired vide notifications dated 11.12.1974 and 28.02.1976 issued under Sections 4 and 6, respectively of the Land Acquisition Act, 1894 (for short, "1894 Act"), followed by an award dated 28.03.1976, whereby, the market value of the acquired land was assessed @ Rs.27,230/- per acre.

2.1 Being aggrieved, the appellant-landowner filed reference petition, which came to be accepted partly vide decision dated 12.01.1998, granting benefit of market value @ Rs.50,000/- per acre while relying upon a decision passed by this Court in RFA-1446-1978 on 03.09.1980. Hence, the present appeal for further enhancement of compensation.

3. Impugning the aforementioned award, learned counsel for the appellant submits that the decision dated 03.09.1998 passed in RFA-1446-1978 was based upon an earlier decision of this Court dated 28.08.1980 passed in RFA-1632-1978, whereby, the market value pertaining to the revenue Estate of village Duggri was assessed as Rs.40,000/- per acre and applying a thumb rule for the difference of 8 months between the two notifications i.e. from 08.04.1974 to 11.12.1974, the compensation in relation to revenue estate of village Phullanwal was assessed @ Rs.50,000/- per acre in RFA-1446-1978.

3.1 Learned counsel further points out that the decision dated 28.08.1980 passed in RFA-1632-1978 was assailed before the Hon'ble Apex Court and vide order dated 16.10.1995 the Hon'ble Supreme Court enhanced the market value from Rs.40,000/- per acre to Rs.60,000/- per acre for the revenue estate of village Duggri and as such, appropraite increase be made in favour of the appellant-landowner in relation to the market value of village Phullanwal. He also points out that the appellant-landowner was entitled for the enhanced solatium @ 30% in view of the fact that the award by the Reference Court in his case was passed after 30.04.1982.

4. On the other hand, learned counsel for the respondents submits that the reference preferred at the instance of appellant was barred by limitation as award under Section 11 of the 1894 Act was passed on 28.03.1976, whereas, the reference under Section 18 was filed on

27.09.1995, thus, the appellant was not entitled for any further enhancement.

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

6. As a matter of record, the learned Reference Court awarded the market value @ Rs.50,000/- per acre in favour of the appellant-landowner while relying upon a decision dated 03.09.1998 passed in ***RFA-1446-1978,*** which in turn was based on decision made in ***RFA-1632-1978.***

6.1 Admittedly, the Hon'ble Apex Court in ***SLP Nos. 14225-34-92, 331/94, 327-30/94***, decided on 16.10.1995, titled as ***"Chand Kaur and others etc. vs. Collector Land Acquisition, Punjab and another etc."***, has enhanced the market value from Rs.40,000/- per acre to Rs.60,000/- per acre in the said case, wherein, the acquisition related to the notification dated 08.04.1974, issued under Section 4 of the 1894 Act. It has been clearly recorded in the decision dated 03.09.1980 passed in ***RFA-1446-1978*** that the land relating to the two acquisitions has been contiguous and of greater potential value being part of fast developing area. Certain observations made in ***RFA-1446-1978***, are extracted hereunder:-

> *"….Another matter which has been pointed out by the learned counsel is that earlier vide notifications dated 08.04.1974, under Section 4 of the Act, the State Government had acquired 1000 acres of land for the setting up of a residential and urban estate in the vbicinity of Ludhiana city. That acquisition was the subject matter of R.F.A. No.1632-1978 (Smt. Chand Kaur vs. State of Punjab etc.) and vide my judgment dated August 28, 1980, the rate of compensation of te acquired land except for some area along the Ludhiana-Dhandran road was determined at a flat rate of Rs.40,000/- per acre. According to the learned counsel, the present acquisition is only extension of the urban estate established in that area of 1000 acres and the suit land is undisputably contiguous to that area. This factual position is not only not in dispute, but is otherwise also very well established by the evidence on record. The presently acquired area lies between that acquired land and the Pakhowal road which, as pointed out earlier, was a fast developing area. In view of these facts, the*

> *potentiality of the acquired land for being used as urban land cannot be over-emphasised. I, therefore, hold that the entire acquired land had a great potentiality for being used as residential or commercial area and there is no justification on record to categorie the said land into different categories as has been done by the lower court and the Land Acquisition Collector....”*

6.2 In view of the aforesaid, once it has come on record that the land forming part of revenue estate of Village Duggri as well as Phullanwal was contiguous and previously also, the compensation assessed in relation to the revenue estate of village Duggri was relied upon for the purpose of determination of market value in case of Phullanwal and an appreciation of around 12.5% was given in favour of the landowners of village Phullanwal for the period of difference between the two notifications i.e. 08.04.1974 to 11.12.1974; applying the same principle, the market value in the present case therefore is now assessed @ <u>Rs. 67500/-</u> (Rs.60,000+7500) per acre.

6.3 Besides it, once the award passed by the learned Reference Cout in the present case is dated 12.01.1998 i.e. after 30.04.1982, in terms of Section 30(2) of the 1894 Act (Amendment Act upto-date), the appellant-landowner is entitled for the benefits of 30% solatium. In addition, the appellant is also held entitled for all other statutorty benefits as well as interest provided under the Act.

7. Pending application(s), if any, also stand(s) disposed of.

09.09.2025 **(HARKESH MANUJA)**
sonika **JUDGE**

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