

2025:PHHC:172125



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

Decided on:-09.12.2025

1. RFA-508-1998 (O&M)

Gurnam Singh and anotherAppellants.
vs.

Land Acquisition Collector and ors.Respondents.

2. RFA-510-1998 (O&M)

Jagir Singh (now died) thr. LRsAppellant.

vs.
Land Acquisition Collector and othersRespondents.

3. RFA-509-1998 (O&M)

Bakshish Singh and others ...Appellants.

vs.
Land Acquisition Collector and others ...Respondents

4. RFA-485-1999 (O&M)

Devinder Singh and othersAppellants.

vs.
Land Acquisition Collector and anr. ...Respondents.

5. RFA-2163-2015 (O&M)

Manjit Kaur and othersAppellants.

vs.
Land Acquisition Collector and ors. ...Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. J.P.S. Sandhu, Advocate and
Mr. H.S. Jaswal, Advocate,
for the appellants-landowners (in RFA-508, 509 and 510 of 1998).

Mr. Munish Gupta, Advocate,
for the appellants-landowners
(in RFA-485-1999 and RFA-2163-2015).

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

HARKESH MANUJA J. (Oral)

1. This common judgment shall dispose of the aforementioned five 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-508-1998 (O&M)***.

2. By way of present appeal, challenge has been laid to an Award dated 27.11.1997 passed by the learned Additional District Judge, Ludhiana (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 partly accepted.

3. Brief facts of the case are that some land owned by the appellants-landowners, situated in the revenue estate of village Sidhwan Bet, Tehsil Jagraon, District Ludhiana, came to be acquired vide notifications dated 27.04.1988 and 10.08.1989, issued under Sections 4 and 6, respectively, of the Land Acquisition Act, 1894 (for short, "the 1894 Act"), for the public purpose namely, for development of New Mandi at Sidhwan Bet. The compensation was awarded by the Land Acquisition Collector vide its Award dated 04.08.1990.

4. Aggrieved of 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 27.11.1997, partly allowed references thereby granting the enhanced compensation @ Rs.22,500/- per acre along with all other statutory benefits under the 1894 Act.

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

6. Impugning the aforementioned award, learned counsel for the appellants submits that the learned Reference Court went wrong having discarded the sale instances produced by the appellants-landowners merely on the ground that the vendors and vendees thereof were not examined. He further submits that in terms of Section 51-A of the 1894 Act, certified copies of the sale deeds produced on record by the appellants-landowners were required to be relied upon. Learned counsel also points that the land parcels of sale deeds Ex.A-3 and A-5 even formed part of the acquired land situated in the revenue estate of Village Sidhwan Bet. It has thus been submitted that while taking into account the evidence available on record coupled with the findings recorded by the learned Reference Court with respect to the commercial potential attached to the acquired land, the market value was required to be re-assessed.

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

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

9. A perusal of record shows that based on the evidence produced on record by the parties, a positive finding of fact has been recorded by the learned Reference Court to the effect that the land under acquisition falls within the revenue estate of Village Sidhwan Bet being connected with the metalled roads and was having potential value for being used for commercial purposes and even the acquired land was located near *Abadi*. The relevant portion of para 24 of the impugned Award is extracted hereunder:-

“24. However, it is admitted fact that Sidhwan Bet is a growing town having Banks, Schools, Police Station, B.D.O. Office, Hospital, and a Canal Rest House. It is also admitted fact that Sidhwan Bet is connected with metalled roads and the acquired land is near the village abadi and was acquired for setting up Anaj Mandi. Thus, considering the potential value of the land for being used for commercial purposes or buildings, it cannot be said that the market rate of the acquired land was Rs.15,106/- per acre and it seems that the Land Acquisition Collector fixed the rate on the basis of the rates calculated on the basis of previous sale deeds as discussed above.”

9.1 The respondents did not assail the aforesaid finding and the same is thus presumed to be true. Further, for the purpose of determination of market value, the following sale instances were produced by the appellants-landowners as well as the respondent-State:-

Sale instances produced by appellants-landowners

Ex. No.	Village	Date of Sale	Area Sold	Price	Price in acres	Distance from acquired land
A.1	Sidhwan Bet.	30.11.1976	8½ marla	Rs.8500/-	Rs.1,59,720/-	1 km
A.2	Sidhwan Bet	05.12.1988	1k-10 marla	Rs.60,000/-	Rs.3,19,440/-	Very near
A.3	Sidhwan Bet	08.01.1982	2 marla	Rs.6,000/-	Rs.4,79,160/-	Out of land acquired
A.4	Sidhwant Bet.	07.12.1986	3 marlas	Rs.10,000/-	Rs.5,37,240/-	1 km
A.5	Sidhwan Bet.	28.01.1980	2 marlas	Rs.2,200/-	Rs.1,74,240/-	Out of acquired land

Sale instances produced by respondents-State

Ex. No.	Village	Date of Sale	Area Sold	Price	Price in acres	Distance from acquired land
R.6	Sidhwan Bet.	05.06.1987	5 kanal-6marla	Rs.9000/-	Rs.13584.90	About 1¼ km
R.7	Sidhwan Bet.	05.06.1987	1 k-14 m	Rs.3000/-	Rs.14117.65	About 1¼ km
R.8	Sidhwan Bet.	03.06.1987	7K-0M	Rs.9000/-	Rs.10285.71	About 2¼ km
R.9	Sidhwan Bet.	05.06.1987	15k-18m	Rs.27000/-	Rs.13584.90	About 1¼ km
R.10	Sidhwan Bet.	20.11.1987	11k-9m	Rs.15,000/-	Rs.10480.35	About 2 km
R.11.	Sidhwan Bet.	22.12.1987	1k-0m	Rs1500/-	Rs.12000.00	About 2¼ km
R.12	Sidhwan Bet.	08.03.1988	2k- 4 m	Rs.3000/-	Rs.10909.09	About 1 km
R.13	Sidhwan Bet.	20.02.1988	2k -13 m	Rs.3500/-	Rs.10566.04	About 1 km

9.1 The sale instances produced by the respondents were discarded by the learned Reference Court for the reasons that the land parcels forming part of those sale instances were at long distance from the acquired land and were situated near the river, whereas, the acquired land was abutting the metalled road. Thus, the two parcels of land being not comparable, the sale instances Ex.R-6 to Ex.R-13 were not relied upon. It is pertinent to mention here that the said finding has not been assailed before this Court by the respondents either by way of any cross-appeal or cross-objections. No reference has been made to the material on record to controvert the said finding at the time of hearing either. Further, as per the records, the two sale deeds dated 08.01.1982 and 28.01.1980 produced by the appellants-landowners as Ex.A-3 and Ex.A-5 pertained to the land forming part of revenue estate of Village Sidhwan Bet. Also, a perusal of *aks shajra* relating

to the revenue estate of Village Sidhwan Bet being produced on record as Ex.AW2/1 by Jagroop Singh (PW-2), Circle Halqa Patwari, Sidhwan Bet, shows that the land parcel forming part of sale deed Ex.A-3 dated 08.01.1982 abuts the acquired land and is thus, identically placed as that of the acquired land, having same nature, location and potential. In such circumstances, the sale instance Ex.A-3 dated 08.01.1982, forming part of the acquired land needs to be relied upon being the best sale exemplar, especially, in terms of Section 51-A of the 1894, even in the absence of vendors or the vendees thereof being examined as the appellants-landowners have already produced the certified copies of sale deeds Ex.A-1 to Ex.A-5 on record.

9.2 Furthermore, vide sale deed dated 08.01.1982 (Ex.A-3), 2 marlas of land previously forming part of the acquired land in the revenue estate of Village Sidhwan Bet was sold for Rs.6,000/- with base price per acre as Rs.4,79,160/- (Rs.3,000/- per marla). However, there being a time gap of 6 years and 3 months (total 75 months) between the sale instance Ex.A-3 dated 08.01.1982 and the notification under Section 4 of the 1894 Act in the case in hand i.e. 27.04.1988 and taking into account the findings recorded by the learned Reference Court with respect to the commercial potential attached to the acquired land, an appreciation @ 10% per annum (simple) needs to be awarded, as such, the base price per acre comes to Rs. 7,78,635/-.

9.3 Further the acquisition in the present case pertains to 139 kanal 14 marlas whereas the land parcel forming part of the sale deed dated 08.01.1982 Ex.A.3 is 2 marlas which is too small in comparison to the area

70%, the market value of the acquired land thus, comes to Rs.2,33,590/- per acre.

9.4 Furthermore, in view of the fact that the acquisition relates to the public purpose namely, for development of New Mandi at Sidhwan Bet, respondent-State did not suffer any loss of land or incurred any cost towards providing of additional infrastructural amenities, thus, no development cut is required to be applied.

10. Accordingly, in view of the aforesaid discussion, the appellants-landowners are entitled for the enhanced market value of their acquired land at the rate of Rs.2,33,590/- per acre 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.

09.12.2025
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(HARKESH MANUJA)
JUDGE

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