

RFA No.3826 of 1999 (O&M) with other connected cases

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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1.

RFA No.3826 of 1999 (O&M) with
XOBJR No.28 of 2024 (O&M)
Date of Decision: 07.11.2025

UNION OF INDIA AND ANR.Appellant(s)

Vs

DAHLO (DECEASED) TH. LRS. AND OTHERS ...Respondent(s)

2.

RFA No.3815 of 1999 (O&M) with
XOBJR No.29 of 2024 (O&M)

UNION OF INDIA AND ANR.Appellant(s)

Vs

DAHLO (DECEASED) TH. LRS. AND OTHERS ...Respondent(s)

3.

RFA No.3816 of 1999 (O&M) with
XOBJR No.26 of 2024 (O&M)

UNION OF INDIA AND ANR.Appellant(s)

Vs

KARAM SINGH (DECEASED) TH. LRS. & ANR. ...Respondent(s)

4.

RFA No.3817 of 1999 (O&M) with
XOBJR No.27 of 2024 (O&M)

UNION OF INDIA AND ANR.Appellant(s)

Vs

VAKIL SINGH (DECEASED) TH. LRS. & ORS.Respondent(s)

Present:

Mr. Anil Chawla, Sr. Panel Counsel, UOI
for the appellant(s).

Mr. R.S. Manhas, Advocate
for the cross-objectors/landowners.

HARKESH MANUJA, J. (Oral)

CM-1334-CI & 1335-CI of 2024 in XOBJR-28-2024 in RFA-3826-1999

Prayer made in the applications is for impleading the applicant(s) as

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legal representative(s) of respondent No.1-Dahlo and respondent No.2(4) Sudesh Kumari, who have died during pendency of the instant appeals.

For the reasons mentioned in the application, the same are allowed, subject to all just exceptions and the applicant(s) as mentioned in paragraph No.2 of the applications are impleaded as legal representative(s) of respondent No.1-Dahlo and respondent No.2(4) Sudesh Kumari (deceased) respectively in order to pursue the present case(s).

Amended memo of parties is taken on record.

Main Appeals

[1]. Vide this common order, the aforementioned appeals along with cross-objections, are being decided as the same have arisen out of common acquisition/Award involving identical facts and question of law. For the sake of brevity, facts are being taken from RFA No.3826 of 1999.

[2]. By way of present appeal(s), challenge has been laid to the Award dated 27.07.1998 passed by the learned Addl. District Judge, Gurdaspur (hereinafter to be referred as the 'Reference Court'), whereby Reference Petition(s) filed under Section 18 of the Land Acquisition Act, 1894 (for short 'the 1894 Act') at the instance of landowners was partly allowed in their favour thereby granting them the benefit of enhanced market value @ Rs.1400/- per marla *qua* the acquired land besides awarding statutory benefits/interest as provided under the 1894 Act.

[3]. Briefly stating, in the present case(s), certain land owned by the respondents/landowners situated within the revenue estate of village Kiari, Tehsil Pathankot came to be acquired vide Notifications issued under Sections 4 as well as 6 of the 1894 Act dated 22.02.1991 published on 06.03.1991 invoking the urgency clause under Section 17 of the 1894 Act. The Award was passed by the

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Special Land Acquisition Collector (for short ‘the SLAC’) thereby determining the market value of the acquired land as under:-

<i>“Chahi Land</i>	<i>Rs.40,000/- per acre</i>
<i>Barani-I</i>	<i>Rs.35,000/- per acre</i>
<i>Barani-II</i>	<i>Rs.30,000/- per acre</i>
<i>Banjar Kadim</i>	<i>Rs.12,000/- per acre</i>
<i>Banjar Jadid</i>	<i>Rs.15,000/- per acre</i>
<i>Gair Mumkin</i>	<i>Rs.5,000/- per acre</i>
<i>Gair Mumkin Abadi</i>	<i>Rs.40,000/- per acre”</i>

[4]. Aggrieved thereof, the appellant(s)-landowners invoked Reference under Section 18 of the 1894 Act, which came to be partly accepted in favour of the landowners by the learned Reference Court vide its award dated 27.07.1998, granting them enhanced compensation @ Rs.1400/- per marla for all kinds of land besides awarding all other statutory benefits/interest.

Dis-satisfied with the Award passed by the learned Reference Court, the present appeals were preferred at the instance of appellants/Union of India and cross-objections have been filed by the respondents/landowners.

[5]. Impugning the aforesaid Award, learned counsel representing the appellants/Union of India submits that no reason at all was given by the learned Reference Court while granting enhancement @ Rs.1400/- per marla for all kinds of land in favour of the landowners. He, contends that in the absence of any reason or justification for grant of enhancement and further in the absence of any reliable evidence on record to support the enhancement, the appeals filed at the instance of Union of India were to be allowed.

[6]. Per contra, learned counsel for the respondents/landowners submits that under similar circumstances and pertaining to the land forming part of the

same acquisition within the revenue estate, the market value stands increased to

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Rs.2300/- per marla by this Court vide judgment dated 17.02.2016 rendered in **RFA No.2902 of 1999** titled '**Union of India and another vs. Major Pritam Singh and another**' and thus, the appellants/landowners are entitled for the similar benefits. He thus prays for dismissal of the appeal(s) filed at the instance of the Union of India and for allowing the cross-objections filed by the landowners.

[7]. As against this, learned counsel representing the appellants/Union of India though vehemently opposed the prayer made by respondents/landowners, however has not been able to controvert the factual aspect with respect to the final determination of compensation about the acquisition similar to the case in hand at Rs.2300/- per marla been granted by this Court vide the aforementioned decision.

[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 respondents/landowners.

[9]. Accordingly, with respect to the determination of market value, the stand taken by the counsel representing the respondents-landowners that the matter is covered with the judgment dated 17.02.2016 rendered in **RFA No.2902 of 1999** titled '**Union of India and another vs. Major Pritam Singh and another**' and the same been not factually controverted by learned counsel for the appellants, the market value in the present case as well is thus assessed @ Rs.2300/- per marla in favour of the appellants/landowners. In addition, the landowners shall also be entitled for award of all statutory benefits and interest as provided under the provisions of the 1894 Act (amended upto to date). The landowners shall also be entitled for solatium @ 30% besides award of interest thereupon as well.

[10]. Consequently, in view of the discussion made herein above, the cross-objections preferred at the instance of respondents-landowners are hereby partly

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allowed in the aforesaid terms and the appeals filed by the Union of India are, thus dismissed.

[11]. All pending application(s), if any, shall also stand disposed of.

November 07, 2025

Atik

Whether speaking/reasoned

Whether reportable

(HARKESH MANUJA)

JUDGE

Yes/No

Yes/No