IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

129

1.	RFA No.4674 of 2001 (O&M) Date of Decision: 14.11.2025	
GURNAM SINGH		......Appellant(s)
Vs		
STATE OF PUNJAB AND ORS.		...Respondent(s)
2.	RFA No.4675 of 2001 (O&M)	
SUKHDEV SINGH AND ORS.		......Appellant(s)
Vs		
STATE OF PUNJAB AND ORS.		...Respondent(s)
3.	RFA No.4676 of 2001 (O&M)	
HARBANS SINGH AND ANR.		......Appellant(s)
Vs		
STATE OF PUNJAB AND ORS.		...Respondent(s)
4.	RFA No.4677 of 2001 (O&M)	
BHARPUR KAUR AND ORS.		......Appellant(s)
Vs		
STATE OF PUNJAB AND ORS.		...Respondent(s)
5.	RFA No.4678 of 2001 (O&M)	
DARSHAN SINGH AND ANR.		......Appellant(s)
Vs		
STATE OF PUNJAB AND ORS.		...Respondent(s)
6.	RFA No.4679 of 2001 (O&M)	
CHAMAN LAL AND ORS.		......Appellant(s)
Vs		
STATE OF PUNJAB AND ORS.		...Respondent(s)
7.	RFA No.4680 of 2001 (O&M)	
HAKAM SINGH AND ORS		......Appellant(s)
Vs		
STATE OF PUNJAB AND ORS.		...Respondent(s)

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Munish Jolly, Advocate
for the appellant(s)/landowner(s).

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

****

HARKESH MANUJA, J. (Oral)

[1]. Vide this common order, the aforementioned Regular First Appeals are being decided as all the appeals 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.4674 of 2001.

[2]. By way of present appeal(s), challenge has been laid to the Award dated 14.06.2000 passed by the learned Addl. District Judge, Bathinda (hereinafter to be referred as the 'Reference Court'), whereby Reference Petition filed under Section 18 of the Land Acquisition Act, 1894 (for short 'the 1894 Act') at the instance of the landowners was partly allowed while granting them the benefit of enhanced market value @ Rs.6500/- per *bigha* for Nehri/Chahi land and Rs.4800/- per *bigha* for Barani land besides awarding statutory benefits/interest as provided under the 1894 Act.

[3]. Briefly stating, in the present case(s), land measuring 84 bighas and 18 biswas situated within the revenue estate of village Patti Jhuti, Tehsil and District Bathinda, came to be acquired vide Notifications dated 30.07.1976 and 09.08.1976 issued under Sections 4 & 6 of the 1894 Act respectively for the public purpose, namely, for construction of 3rd Pond of 220 MW Guru Nanak Dev Thermal Plant, Bathinda, followed by an Award passed by the Land Acquisition Collector (for short 'the LAC') on 18.01.1977, thereby determining the market value of the acquired land as under:-

i) Nehri land @ Rs.2800/- per bigha
ii) Barani Land @ Rs.9120/- per bigha
along with solatium @ 15% P.A.

[4]. Aggrieved thereof, the appellants-landowners invoked Reference under Section 18 of the 1894 Act, which came to be partly allowed by the learned Reference Court vide its award dated 14.06.2000, thereby granting them the benefit of enhanced market value @ Rs.6500/- per *bigha* for Nehri/Chahi land and Rs.4800/- per *bigha* for Barani land besides awarding statutory benefits/interest as provided under the 1894 Act.

Dis-satisfied with the Award passed by the learned Reference Court, the present appeals were preferred at the instance of landowners.

[5]. Impugning the aforesaid Award, learned counsel for the appellants/landowners submits that instead of relying upon sale instance Ex.A-4 dated 18.11.1974 which was for an area measuring 04 bighas and the price per bigha was Rs.6250/-, the learned Reference Court could have relied upon the sale deed Ex.8/C dated 14.02.1975 forming part of Khasra No.448 Min whereby 02 bighas of land was sold for Rs.12,500/- per bigha. Learned counsel also submits that the land forming part of Ex.8/C dated 14.02.1975 and the land under acquisition both formed part of the same revenue estate of village Patti Jhuti, Tehsil and District Bathinda and were situated within the municipal limits.

[5.1]. Learned counsel for the appellants also points out that for the time gap between the sale instance Ex.8/C dated 14.02.1975 till the date of publication of notification under Section 4 of the 1894 Act in the case(s) in hand i.e. 06.08.1976, the appellants were also entitled for an appreciation @ Rs.12% per annum over the base price derived from Ex.8/C dated 14.02.1975 and thereof, the market value was required to the re-determined.

[6]. On the other hand, learned State counsel submits that no interference was called for with the Award passed by the learned Reference Court, wherein reliance was rightly placed on the sale deed Ex.A-4 dated 18.11.1974 vide which 04 bighas of land forming part of the revenue estate of village Patti Jhuti was sold for a sum of Rs.6250/- per bigha, especially when the said sale instance pertained to some of the landowners under the present acquisition only, who were even appellants before this Court. Learned State counsel thus, submits that the appeals in hand were liable to be dismissed being devoid of merits.

[7]. 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.

[8]. In the present case, the acquisition has been carried out for the public purpose, namely, for construction of 3rd Pond of 220 MW Guru Nanak Dev Thermal Plant, Bathinda. From the deposition of AW-8 Madan Gopal, J.E. Municipal Corporation, Bathinda, it has been established on record that three ponds of Guru Nanak Thermal Plant Bathinda formed part of municipal limits of Bathinda and the said deposition has gone unrebutted. Thus, the fact that the acquired land formed part of municipal limits of Bathinda certainly adds to its potentiality.

[9]. Further no merit can be found in the contention raised on behalf of the learned State counsel to the effect that the determination in the case(s) in hand was to be made by placing reliance upon the sale deed Ex.A-4 dated 18.11.1974 simply because the same pertained to some of the landowners/appellants before this Court and the sale price was under Rs.6250/- per bigha.

[10]. In a case of acquisition, the market value needs to be determined on the date of its notification under Section 4 of the 1894 Act which in the present case(s) was published on 06.08.1976. In such circumstances, the landowners those who purchased some portion forming part of the acquired land vide sale deed dated 18.11.1974 (Ex.A-4) @ Rs.6250/- per bigha cannot be held to be estopped from claiming the market price as on the date of commencement of acquisition with the publication of the same under Section 4 of the 1894 Act. Further, the other landowners those who were not even part of sale transaction which took place through sale deed Ex.A-4 dated 18.11.1974 were in any case not to be made bound by the sale price fixed thereunder. Rather they were entitled for the benefit of highest of the sale price prevalent in the area concerned as on the date of issuance of notification under Section 4 of the 1894 Act in the present case(s).

[10.1]. Moreover, a perusal of the record shows that even the land forming part of sale instance Ex.8/C dated 14.02.1975 falls in Khasra No.448 Min. which even comprises of the acquired land as well; as traceable from the Award dated 06.01.1977 passed by the LAC in exercise of power under Section 11 of the 1894 Act in the present case. In such circumstances, the learned Reference Court was required to take into account the other sale instances produced on record from the side of landowners as well, the details thereof are extracted hereunder:-

Sr No.	Exhibit No.	Kind of document	Date of sale	Price in Rs.	Area	Khasra No.	Kind of land	Average per Bihga
1	A2	Sale Deed	2-9-74	49000/-	5 Bighas	263/M	Not known	9800/-
2	A3	Sale Deed	11-4-75	7500/-	10 Bighas	281	Not known	15000/-
3	A4	Sale Deed	18-11-74	25000/-	4 Bighas	233/M	Not known	6250/-
4	A5	Sale Deed	21-3-75	8000/-	1 Bigha	448/M	Not known	8000/-
5	A6	Sale Deed	23-8-74	9000/-	1 Bigha	238	Not	9000/-

							known	
6	8/A	Sale Deed	14-2-75	12500/-	1 Bigha	448 MIN	Nahri	12500/-
7	8/B	Sale Deed	14-2-75	9000/-	15 Biswa	448 MIN	Nahri	12000/-
8	8/C	Sale Deed	14-2-75	25000/-	2 Bigha	448 MIN	Nahri	12500/-

[11]. A perusal of the aforementioned chart reflects that in the given facts and circumstances, the learned Reference Court rather than assessing the market value, solely on the basis of sale deed Ex.A-4 dated 18.11.1974, was required to rely upon the sale deed Ex.8/C dated 14.02.1975 being the highest sale exemplar, vide which 02 bighas of land forming part of Khasra No.448 Min. of the revenue estate of village Patti Jhuti Tehsil and District Bathinda was sold @ Rs.12,500/-per bigha. The record further shows that the sale deed Ex.8/C dated 14.02.1975 pertained to Khasra No.448 Min. which also formed part of Municipal Corporation, Bathinda as established from the deposition of AW-8 Madan Gopal, J.E. Municipal Corporation, Bathinda and thus, the said sale exemplar, fetching the highest price was required to be relied upon by the learned Reference Court.

[12]. Moreover, there is a time gap of around 01 year and 06 months between the date of sale exemplar Ex.8/C dated 14.02.1975 and the date of publication of notification under Section 4 of the 1894 Act in the present case(s) i.e. 06.08.1976, thus, an appreciation @ 8%per annum (12% in total) needs to be granted in the given facts over the base price per bigha derived from the said sale instance. Such appreciation is essential, as from the deposition made by RW-1 Baru Ram, Patwari, it has been established on record that there were residential houses existing opposite the acquired land and the same was in the close vicinity to the Bathinda-Kotkapura Road, besides even formed part of Municipal Corporation,

Bathinda as deposed by AW-8 Madan Gopal, J.E. Municipal Corporation, Bathinda. Similarly from the uncontroverted deposition of AW-3 Som Dutt, it was also established on record that the land under acquisition was situated at a distance of around 700-800 sq. yards from the already stood developed residential colony of Thermal Plant. However, in view of the fact that the acquisition in the present case pertained to 84 bighas of land whereas the sale instance Ex.8/C dated 14.02.1975 relates to 02 bighas of land, a cut of 25% needs to be applied towards the smallness of the area involved in the sale exemplar.

[13]. In the given facts since the acquisition in the case(s) in hand has been carried out for the public purpose, namely, for construction of 3rd Pond of 220 MW Guru Nanak Dev Thermal Plant, Bathinda and as such the respondents did not suffer any loss towards optimum utilization of the area acquired and also did not incur expenditure towards providing of additional infrastructural amenities like parks, green belts, roads and community buildings etc., no cut towards development costs needs to be imposed.

[14]. In the wake of the aforesaid discussion and for the reasons recorded hereinabove while placing reliance upon the sale exemplar Ex.8/C dated 14.02.1975 and by granting appreciation @ 12% for the time gap between the date of aforementioned sale exemplar and the date of publication of Notification under Section 4 of the 1894 Act (i.e. around 01 year and 06 months) and after applying cut @ 25% thereupon on account of smallness of area involved in the said sale exemplar, the market value per bigha in the present case(s) is arrived at Rs.10,500/- per bigha (Rs.12,500 x 12%, - 25%).

[15]. Accordingly, the market value for the land under acquisition is assessed @ Rs.10,500/- per bigha. In addition, the landowners shall also be entitled for award of all other 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.

[16]. Accordingly, in view of the discussion made herein above, the appeals preferred at the instance of appellants-landowners are hereby partly allowed in the aforesaid terms.

[17]. Wherever the landowner(s) has/have unfortunately expired in the appeal(s)/cross-objection(s) after filing thereof and the legal heirs have not been impleaded, they shall be at liberty to seek execution of the present decision by moving appropriate application(s) before the learned Executing Court.

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

(HARKESH MANUJA)
JUDGE

November 14, 2025
Atik

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