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RFA No.1558 of 2002 (O&M)

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

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CM No.2617-CI of 2025
CM No.2618-CI of 2025
CM No.2751-CI of 2025 in
RFA No.1558 of 2002 (O&M)
Date of Decision: 22.09.2025

AVTAR SINGH (DECEASED) THROUGH HIS LRS.....Appellant(s)
Vs
SATWINDER KAUR (DECEASED) THROUGH HER LRS AND ORS.
....Respondents

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

Present: Mr. Rajiv Dhiman, Advocate
for the applicant(s)/appellant(s).

Mr. S.N. Kandpal, Advocate
for LRs of respondent No.1.

Mr. Sumeet Jain, Advocate with
Ms. Kushaldeep Kaur, Advocate
for UT, Chandigarh.

HARKESH MANUJA, J. (Oral)

CM No.2617-CI of 2025

Prayer made in the application is for impleading the applicant(s) as legal heir(s) of appellant, who died on 23.07.2015.

For the reasons mentioned in the application, the same is allowed, subject to all just exceptions and the applicant(s) as mentioned in paragraph No.2 of the application are ordered to be impleaded as legal heir(s) of appellant-Avtar Singh (deceased) in order to pursue the present case.

CM No.2751-CI of 2025

Prayer made in the application is for impleading the applicant(s) as legal heir(s) of respondent No.1-Smt. Satwinder Kaur, who died 09.05.2025.

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For the reasons mentioned in the application, the same is allowed, subject to all just exceptions and the applicant(s) as mentioned in paragraph No.2 of the application are ordered to be impleaded as legal heir(s) of respondent No.1- Smt. Satwinder Kaur (deceased) in order to pursue the present case.

Amended memo of parties is taken on record. Registry to do the needful.

CM No.2618-CI of 2025

This is an application under Section 151 CPC for listing the main appeal and disposal of the same in view of order dated 05.10.2010 passed by this Court in **RFA No.2016 of 2001** titled '**Sadhu Ram & others vs. Union Territory, Chandigarh.**'

Notice of the application.

Learned counsel representing non-applicants/respondents accepts notices on their behalf and admits the aforementioned factual aspect.

Upon hearing learned counsel for the parties and in view of the prayer made in the application, the same is allowed. With the consent of learned counsel for the parties the main appeal is taken up today itself for disposal.

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[1]. By way of present appeal(s), challenge has been laid to the Award dated 15.09.2001 passed by the learned Addl. District Judge, Chandigarh (hereinafter to be referred as the 'Reference Court'), whereby Reference Petition filed under Section 30 read with Section 18 of the Land Acquisition Act, 1894 (for short 'the 1894 Act') at the instance of the claimant was partly allowed while granting her the benefit of enhanced market value @ Rs.4,01,753/- per acre qua the acquired land besides awarding other statutory benefits/interest in her favour as provided under the 1894 Act.

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[2]. Learned counsel for the parties are ad *idem* that the matter with respect to the determination of market value stands adjudicated upon by this Court vide its decision dated 05.10.2010 passed in **RFA No.2016 of 2001** titled as **“Sadhu Ram and Others vs. Union Territory, Chandigarh”** whereby the similarly situated landowners pertaining to the same acquisition proceedings have been held entitled for the enhanced amount of compensation @ Rs.167/- per square yard, along with all statutory benefits. Relevant portion from the aforementioned judgment is extracted hereunder:-

“A perusal of the award of the Collector shows, land acquired vide notification dated 28.06.1990 consists of Rect. Nos. 37, 38, 39, 50, 51, 52, 58 and 59 whereas the land acquired vide notification dated 09.08.1990 consists of Rect. Nos 37, 38, 39, 50, 51, 52, 58, 59, 60, 61 and 70. The acquisition vide notification dated 10.12.1986 consists of Rect. Nos. 69, 70, 61, 81, 82 and 92. Aforesaid three pocket of land are adjoining to each other. This court in Amarjit Singh's case (supra) had assessed the value of land in Amarjit Singh's case (Supra) @ Rs. 116/- per square yard. Learned counsel for the land owners are claiming that they be granted increase @ 12% per annum thereon for the time gap in the two notifications, which is 3 years and 10 months. This court finds the prayer made by the land owners to be justifiable. The awards announced by the Collector pertaining to the aforesaid two acquisition also show appreciation of prices in the area, which is even at a rate more than 12% per annum. In Amarjit Singh's case (supra), the award of the Collector therein was Rs.85,000/- per acre, whereas in the present case, it was Rs.2,75,000/- per acre. Accordingly, after awarding increase @ 12% per annum on Rs.116/- per square yard, the value of the acquired land would come out to Rs.167/- per square yard. The land owners shall also be entitled to all the statutory benefits available to them under the Act.

To ensure that the landowners are not fleeced by the middleman in the process of disbursement of enhanced compensation, Hon'ble the Supreme Court in Civil Appeal No. 6515 of 2009 Haryana state Industrial

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Development corporation Vs. Pran Sukh and others, decided on 17.08.2010, issued certain directions I deem it appropriate to issue same directions in the present set of appeals as well. The same are as under:-

"with a view to ensure that the land owners are not fleeced by the middleman, we deem it appropriate to issue following further directions:

(i) The land Acquisition Collector shall depute officers subordinate to him not below the rank of Naib Tehsildar, who shall get in touch with all the land owners and/or their legal representatives and inform them about their entitlement and right to receive enhanced compensation.

(ii) The concerned officer shall also instruct the land owners and / or their legal representatives to open saving bank account in case they already do not have such account.

(iii) The bank account numbers of the land owners should be given to the Land Acquisition Collector within three months.

(iv) The land Acquisition Collector shall deposit the cheques of compensation in the bank accounts of the land owners".

The appeals are disposed of in the manner indicated above."

[3]. In view of the above stand taken by both the sides on facts and applying the principle of parity, besides grant of just and fair compensation, the present appeal is partly allowed in terms of the aforementioned decision i.e. **Sadhu Ram and Others'** case (supra) and the appellants/landowners are held entitled for similar amount of market value @ Rs.167/- per square yard as has been awarded to other similarly situated landowners; along with all statutory benefits and interest available under the amended provisions of Land Acquisition Act, 1894 as applicable to the present acquisition.

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[4]. The apportionment of compensation shall be made in terms of the Award dated 15.09.2001 passed by the learned Reference Court, as the same has not been re-agitated by the appellants.

[5]. Pending application(s), if any shall also stand disposed of.

September 22, 2025
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(HARKESH MANUJA)
JUDGE

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