



RFA Nos.1240 of 2016 with other connected cases

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

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1. RFA No.1240 of 2016 (O&M)
Date of Decision: 31.10.2025

MANN COLD STORAGE KARNALAppellant
Vs
STATE OF HARYANA THROUGH ITS COLLECTOR, KARNAL AND ORS.
...Respondent(s)

2. RFA No.1241 of 2016 (O&M)

MANN COLD STORAGE KARNALAppellant
Vs
STATE OF HARYANA THROUGH ITS COLLECTOR, KARNAL AND ORS.
...Respondent(s)

3. RFA No.1242 of 2016 (O&M)

MANN COLD STORAGE KARNALAppellant
Vs
STATE OF HARYANA THROUGH ITS COLLECTOR, KARNAL AND ORS.
...Respondent(s)

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

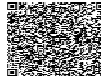
Present: Mr. G.S. Punia, Sr. Advocate with
Ms. Harveen Kaur, Advocate
for the appellant/landowner.

Mr. Abhishek Yadav, D.A.G., Haryana.

HARKESH MANUJA, J. (Oral)

[1]. Vide this common order, RFA Nos.1240, 1241 & 1242 of 2016 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.1240 of 2016.

[2]. By way of present appeal(s), challenge has been laid to the Award dated 20.11.2015 passed by the learned Addl. District Judge, Karnal (hereinafter to



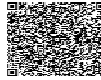
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be referred as the 'Reference Court'), whereby Reference Petition(s) filed under Section 18 of the Land Acquisition Act, 1894 (for short 'the 1894 Act') at the instance of the landowner(s) was partly allowed thereby awarding benefit of enhanced market value @ Rs.145/- per sq. yards besides awarding statutory benefits/interest as provided under the 1894 Act.

[3]. Briefly stating, in the present case(s), certain land owned by the appellant/landowner situated within the revenue estate of village Kasba Karnal, Tehsil and District Karnal, came to be acquired vide Notifications dated 08.02.1989 and 07.02.1990 issued under Sections 4 & 6 of the 1894 Act respectively for the public purpose namely for the development and utilization of land as residential and commercial for Sectors 4 and 5, Urban Estate, Karnal.

[4]. Aggrieved against the aforesaid acquisition proceedings, the appellant/landowner preferred CWP No.4542 of 1990, which was decided by this Court vide order dated 07.10.2010 while directing the respondents to consider the objections under Section 5-A of the 1894 Act been preferred at the instance of appellant/landowner. Admittedly, the objections were dealt with and rejected by the Land Acquisition Collector followed by fresh Notification under Section 6 of the 1894 Act on 06.12.2011. Subsequently, an Award was passed by the Land Acquisition Collector in exercise of powers under Section 11 of the 1894 Act on 19.03.2012 thereby determining the market value of the acquired land as Rs.2,50,000/- per acre besides award of other statutory benefits/interest.

[5]. Being dis-satisfied thereof, the appellant(s)-landowner(s) invoked Reference under Section 18 of the 1894 Act, which came to be partly allowed by the learned Reference Court vide its award dated 20.11.2015, thereby granting enhanced compensation @ Rs.145/- per sq. yards besides awarding all other



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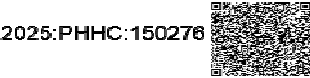
statutory benefits/interest in their favour under the 1894 Act. Aggrieved against the same, the present appeals were preferred at the instance of landowner.

[6]. Impugning the aforesaid Award, learned Senior counsel representing the appellant/landowner submits that under similar circumstances and with respect to the land forming part of the same acquisition and the revenue estate, the market value stands increased to Rs.147.68 per sq. yards by this Court vide judgment dated 17.12.2004 rendered in LPA No.704 of 1999 (**Brij Mohan and another vs. State of Haryana and another**) and thus, the appellant/landowner is entitled for the similar benefits.

[6.1]. While referring to the decision rendered in case of *Bernard Francis Joseph Vaz and Ors. vs. Government of Karnataka and ors.*, reported as “2025 INSC 3”, learned Senior counsel also submits that once the fresh notification under Section 6 of the 1894 Act was issued on 06.12.2011 and thus was beyond one year of the original notification under Section 4 of the 1894 Act issued on 08.02.1989, the entire acquisition proceedings consequently lapsed and the land in question was thus, liable to be returned to the landowner.

[7]. On the other hand, learned State counsel has not been able to controvert the factual aspect with respect to the final determination of compensation about the acquisition in hand be at Rs.147.68/- per sq. yards granted by this Court. However, he seriously opposes the prayer made on behalf of the appellant that the acquisition proceedings have lapsed.

[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 appellant/landowner.



[9]. As regards the plea of acquisition proceedings having been lapsed on account of delayed declaration of Notification/Publication under Section 6 of the 1894 Act issued on 06.12.2011, it is pertinent to mention here that the said issue cannot be dealt with in the present appeals and the appellant, if at all aggrieved was to prefer Civil Writ Petition challenging the said Notification having invoked Article 226 of the Constitution of India.

[10]. With respect to the determination of market value, the present appeals are disposed of in view of the stand taken by the counsel representing both the parties that the matter is covered with the judgment dated 17.12.2004 rendered by this Court in LPA No.704 of 1999 titled ‘Brij Mohan and another vs. State of Haryana and another’ and the same is thus assessed @ Rs.147.68/- per square yard in favour of the appellant/landowner. In addition, the landowner 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 landowner shall also be entitled for solatium @ 30% besides award of interest thereupon as well.

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

October 31, 2025	(HARKESH MANUJA)
Atik	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No