



**In the High Court of Punjab and Haryana, at Chandigarh**

**Regular First Appeal No. 875 of 2016 (O&M)  
And Other Connected Cases**

**Reserved On: 22.04.2025  
Pronounced On: 07.05.2025**

Commanding Officer, 69, Road Construction, Coy. (GREF), C/o 56 APO

... Appellant(s)

Versus

Mania and Others

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Anil Kshetarpal.**

Present: Mr. Shivoy Dhir, Senior Panel Counsel for  
Union of India-appellant.

Mr. Sunil Kumar Sharma, Senior Panel Counsel  
for Union of India.

Mr. Anil Chawla, Senior Panel Counsel for  
Union of India-appellant (In RFA-6123-2015 to  
RFA-6140-2015, RFA-373-2016, RFA-881-2016 to  
RFA-885-2016, RFA-1050-2016, RFA-1051-2016,  
RFA-3111-2017 to RFA-3121-2017).

Mr. R.M.Sharma, Advocate  
for the respondent(s) (In RFA-7647-2014, RFA-4587-2015 to  
RFA-4589-2015, RFA-459-2015, RFA-4593-2015, RFA-4594-  
2015, RFA-4596-2015 to RFA-4598-2015, RFA-6123-2015 to  
RFA-6140-2015, RFA-875-2016 to RFA-878-2016,  
RFA-880-2016 to RFA-883-2016, RFA-899-2016,  
RFA-900-2016 and RFA-903-2016).

**Anil Kshetarpal, J.**

**1. Brief Facts of the Case**

1.1 With the consent of the learned counsel representing the parties,  
a batch of 81 connected appeals (the details whereof are at the foot of the  
judgment) shall stand disposed of by this common order. This Court has

been called upon to assess the market value of the acquired land in all these appeals.

1.2           The necessary and relevant details of the acquisition are as under:-

| S.No. | Date       | Particulars                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                   |                    |                       |
|-------|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|--------------------|-----------------------|
| 1.    | 19.04.2010 | Notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as “the 1894 Act”) was published proposing to acquire the land measuring 405 kanalas 10 marlas located in villages Dunera Khas, Dunder Tika Maroh, Ghar Tika Bhagroli, Ghar Tika Barnoh, Dukhnali Khas, Dukhnali Tika Lajoga, Durban Khas and Sarti Tika Naloh, Tehsil Dhar Kalan, District Pathankot, for four laning Dunera- Dukhnali-Ravi Bridge to National Highway Road. |                   |                    |                       |
| 2.    | 12.09.2011 | The Land Acquisition Collector (hereinafter referred to as “LAC” ) vide Award No.1 offered to pay the following amount to the landowners:-                                                                                                                                                                                                                                                                                                                            |                   |                    |                       |
|       |            | Sr. No.                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Name of villages  | Kind of land       | Rate per marla (In ₹) |
|       |            | 1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Dunera Khas       | Barani             | 1,037/-               |
|       |            | 2.                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                   | Ghair Majrha       | 445/-                 |
|       |            | 3.                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                   | Ghair Mumkin Abadi | 19,500/-              |
|       |            | 4.                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                   | Mili Juli Makhloot | 1,325/-               |
|       |            | 5.                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                   | Commercial         | 66,000/-              |
|       |            | 6.                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                   | Others             | 475/-                 |
|       |            | 7.                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Dunera Tika Maroh | Chahi              | 1,384/-               |
|       |            | 8.                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                   | Barani             | 975/-                 |
|       |            | 9.                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                   | Ghair Majruha      | 402/-                 |
|       |            | 10.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                   | Ghair Mumkin Abadi | 19,500/-              |
|       |            | 11.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                   | Commercial         | 66,000/-              |
|       |            | 12.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                   | Others             | 475/-                 |
|       |            | 13.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Darban Khas       | Chahi              | 950/-                 |
|       |            | 14.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                   | Barani             | 900/-                 |
|       |            | 15.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                   | Ghair Majruha      | 429/-                 |
|       |            | 16.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                   | Ghair Mumkin Abadi | 8,000/-               |
|       |            | 17.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                   | Milijuli Makhloot  | 407/-                 |
|       |            | 18.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                   | Commercial         | 66,000/-              |
|       |            | 19.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                   | Others             | 400/-                 |
|       |            | 20.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Dukhniali         | Chahi              | 825/-                 |
|       |            | 21.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                   | Barani             | 775/-                 |
|       |            | 22.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                   | Ghair Majruha      | 416/-                 |
|       |            | 23.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                   | Ghair Mumkin Abadi | 8,000/-               |

| S.No. | Date | Particulars |                       |                    |                       |
|-------|------|-------------|-----------------------|--------------------|-----------------------|
|       |      | Sr. No.     | Name of villages      | Kind of land       | Rate per marla (In ₹) |
|       |      | 24.         |                       | Milijuli Makhloot  | 500/-                 |
|       |      | 25.         |                       | Commercial         | 10,000/-              |
|       |      | 26.         |                       | Others             | 400/-                 |
|       |      | 27.         | Dukhniali Tika Lajoga | Chahi              | 825/-                 |
|       |      | 28.         |                       | Barani             | 775/-                 |
|       |      | 29.         |                       | Ghair Majruha      | 116/-                 |
|       |      | 30.         |                       | Ghair Mumkin Abadi | 8,000/-               |
|       |      | 31.         |                       | Milijuli Makhloot  | 500/-                 |
|       |      | 32.         |                       | Commercial         | 10,000/-              |
|       |      | 33.         |                       | Others             | 400/-                 |
|       |      | 34.         | Ghar Tika Bhagroli    | Chahi              | 825/-                 |
|       |      | 35.         |                       | Barani             | 1,316/-               |
|       |      | 36.         |                       | Ghair Majruha      | 781/-                 |
|       |      | 37.         |                       | Ghair Mumkin Abadi | 8,000/-               |
|       |      | 38.         |                       | Commercial         | 12,000/-              |
|       |      | 39.         |                       | Others             | 450/-                 |
|       |      | 40.         | Ghar Tika Barnoh      | Baani              | 1,551/-               |
|       |      | 41.         |                       | Ghair Majruha      | 408/-                 |
|       |      | 42.         |                       | Ghair Mumkin Abadi | 8,000/-               |
|       |      | 43.         |                       | Commercial         | 10,000/-              |
|       |      | 44.         |                       | Others             | 400/-                 |
|       |      | 45.         | Sarti Tika Tanoh      | Chahi              | 1,000/-               |
|       |      | 46.         |                       | Barani             | 950/-                 |
|       |      | 47.         |                       | Ghair Majruha      | 325/-                 |
|       |      | 48.         |                       | Ghair Mumkin Abadi | 9,000/-               |
|       |      | 49.         |                       | Milijuli Makhloot  | 569/-                 |
|       |      | 50.         |                       | Commercial         | 12,000/-              |
|       |      | 51.         |                       | Others             |                       |

1.3
The Reference Court (hereinafter referred to as “RC”) has

decided these cases in the following 32 batches:-

| Sr. No. | Date of Award Passed by the RC | Name of the Village(s) |
|---------|--------------------------------|------------------------|
| 1.      | 15.04.2015                     | Dunera Tika Maroh      |
| 2.      | 27.04.2015                     |                        |
| 3.      | 06.05.2015                     |                        |
| 4.      | 10.08.2015                     |                        |
| 5.      | 01.09.2015                     |                        |
| 6.      | 06.05.2015                     | Ghar Tika Bhagroli     |

|     |            |                                                                |
|-----|------------|----------------------------------------------------------------|
| 7.  | 10.08.2015 |                                                                |
| 8.  | 01.09.2015 |                                                                |
| 9.  | 11.10.2013 | <b>Dukhnaili</b>                                               |
| 10. | 19.10.2013 |                                                                |
| 11. | 03.01.2015 |                                                                |
| 12. | 15.04.2015 |                                                                |
| 13. | 06.05.2015 |                                                                |
| 14. | 10.08.2015 |                                                                |
| 15. | 09.10.2013 | <b>Darban Khas</b>                                             |
| 16. | 10.10.2013 |                                                                |
| 17. | 11.10.2013 |                                                                |
| 18. | 01.02.2014 |                                                                |
| 19. | 27.04.2015 |                                                                |
| 20. | 06.05.2015 |                                                                |
| 21. | 03.07.2015 |                                                                |
| 22. | 10.08.2015 |                                                                |
| 23. | 06.02.2016 |                                                                |
| 24. | 15.04.2015 | <b>Ghar Tika Barnoh</b>                                        |
| 25. | 27.04.2015 |                                                                |
| 26. | 06.05.2015 |                                                                |
| 27. | 10.08.2015 |                                                                |
| 28. | 01.09.2015 |                                                                |
| 29. | 27.04.2015 | <b>Sarti Tika Tanoh</b>                                        |
| 30. | 06.05.2015 |                                                                |
| 31. | 01.09.2015 | <b>Garh Tika Bhagroli, Gair Tika Barnoh, Dunera Tika Maroh</b> |
| 32. | 01.09.2015 | <b>Gair Tika Barnoh and Dunera Tika Maroh</b>                  |

1.4            80 appeals have been filed by the beneficiary namely Commanding Officer, 62, Road Construction, Coy. GREF C/o 56 A.P.O. whereas a single appeal has been filed by Chain Singh, the landowner, who has been deprived of the enhanced compensation on the ground that he has not led any evidence.

## **2.            Evidences Adduced**

2.1            In all these batches, the landowners have examined the following witnesses, in oral evidence:-

**Regular First Appeal No. 875 of 2016 (O&M)  
And Other Connected Cases**

**5**

| Sr. No.                           | Date of Award<br>passed by RC | Witness<br>Number | Name of Witness   | LAC<br>Case No. |
|-----------------------------------|-------------------------------|-------------------|-------------------|-----------------|
| <b>Village Dunera Teeka Maroh</b> |                               |                   |                   |                 |
| 1.                                | 15.04.2015                    | AW-1              | Sidharth Pathania | 70/2013         |
| 2.                                | 15.04.2015                    | AW-1              | Sidharth Pathania | 68/2013         |
| 3.                                | 27.04.2015                    | AW-1              | Mann Singh        | 33/2015         |
| 4.                                | 01.09.2015                    | AW-1              | Rasal Singh       | 82/2014,        |
| 5.                                | 01.09.2015                    | AW-1              | Rasal Singh       | 80/2014         |
| 6.                                | 10.08.2015                    | AW-1              | Dinesh            | 65/2013         |
| 7.                                | 06.05.2015                    | AW-1              | Amarnath          | 21/2012         |
| 8.                                | 01.09.2015                    | AW-1              | Pradeep Singh     | 79/2014         |
| 9.                                | 01.09.2015                    | AW-1              | Tilak Dev         | 78/2014         |
| 10.                               | 15.04.2015                    | AW-1              | Sidharth Pathania | 72/2013         |
| <b>Village Dukhnaili</b>          |                               |                   |                   |                 |
| 11.                               | 11.10.2013                    | PW-1              | Dhayan Singh      | 51/2012         |
| 12.                               | 11.10.2013                    | PW-1              | Bidhi Singh       | 79/2012         |
| 13.                               | 10.08.2015                    | AW-1              | Kashmir Singh     | 77/2013         |
| 14.                               | 03.01.2015                    | PW-1              | Hansraj           | 14/2012         |
| 15.                               | 09.10.2013                    | PW-1              | Harpal Singh      | 16/2012         |
| 16.                               | 11.10.2013                    | PW-1              | Dhayan Singh      | 51/2012         |
| 17.                               | 15.04.2015                    | AW-1              | Subash Singh      | 34/2014         |
| 18.                               | 06.05.2015                    | AW-1              | Deepak Kumar      | 22/2012         |
| 19.                               | 06.05.2015                    | AW-1              | Onkar Singh       | 24/2012         |
| 20.                               | 06.05.2015                    | AW-1              | Badri Nath        | 18/2012         |
| 21.                               | 06.05.2015                    | AW-1              | Changan Singh     | 26/2012         |
| 22.                               | 06.05.2015                    | AW-1              | Labh Singh        | 25/2012         |
| <b>Village Ghar Teeka Barnoh</b>  |                               |                   |                   |                 |
| 23.                               | 10.08.2015                    | AW-1              | Dinesh            | 56/2013         |
| 24.                               | 01.09.2015                    | AW-1              | Kamla Devi        | 81/2014         |
| 25.                               | 01.09.2015                    | AW-1              | Pradeep Singh     | 79/2014         |
| 26.                               | 15.04.2015                    | AW-1              | Bhuri Singh       | 67/2013         |
| 27.                               | 15.04.2015                    | AW-1              | Jai Kishan        | 31/2013         |
| 28.                               | 01.09.2015                    | AW-1              | Tilak Dev         | 78/2014         |
| 29.                               | 15.04.2015                    | AW-1              | Amar Nath         | 71/2013         |
| 30.                               | 06.05.2015                    | AW-1              | Prakash Singh     | 57/2013         |
| 31.                               | 06.05.2015                    | AW-1              | Narender Singh    | 66/2013         |
| 32.                               | 27.04.2015                    | AW-1              | Mann Singh        | 29/2012         |
| 33.                               | 15.04.2015                    | AW-1              | Narender Singh    | 69/2013         |
| 34.                               | 27.04.2015                    | AW-1              | Hans Raj          | 31/2012         |
| <b>Village Darban Khas</b>        |                               |                   |                   |                 |
| 36.                               | 01.02.2014                    | PW-1              | Rashpal Singh     | 22/2012         |
| 37.                               | 10.10.2013                    | PW-1              | Anita Devi        | 26/2012         |
| 38.                               | 09.10.2013                    | PW-1              | Des Raj           | 12/2012         |
| 39.                               | 11.10.2013                    | PW-1              | Subash Chander    | 48/2012         |
| 40.                               | 06.02.2016                    | AW-1              | Varinder Kumar    | 143/2015        |
| 41.                               | 27.04.2015                    | AW-1              | Chatter Singh     | 14/2012         |
| 42.                               | 06.05.2015                    | AW-1              | Jagdish Mittal    | 34/2013         |
| 43.                               | 27.04.2015                    | AW-1              | Santokh Singh     | 15/2012         |
| 44.                               | 27.04.2015                    | AW-1              | Varinder Kumar    | 17/2012         |
| 45.                               | 06.05.2015                    | AW-1              | Madan Lal         | 19/2012         |
| <b>Village Ghar Teeka Bagroli</b> |                               |                   |                   |                 |
| 46.                               | 01.09.2015                    | AW-1              | Jaipal Singh      | 83/2014         |
| 47.                               | 10.08.2015                    | AW-1              | Prakash Singh     | 61/2013         |
| 48.                               | 01.09.2015                    | AW-1              | Dalak Singh       | 80/2014         |
| 49.                               | 01.09.2015                    | AW-1              | Tilak Dev         | 78/2014         |

| Sr. No.                   | Date of Award passed by RC | Witness Number | Name of Witness | LAC Case No. |
|---------------------------|----------------------------|----------------|-----------------|--------------|
| 50.                       | 06.05.2015                 | AW-1           | Prakash Singh   | 64/2015      |
| 51.                       | 06.05.2015                 | AW-1           | Mangat Ram      | 52/2013      |
| 52.                       | 06.05.2015                 | AW-1           | Kartar Singh    | 60/2013      |
| 53.                       | 06.05.2015                 | AW-1           | Prakash Singh   | 51/2013      |
| 54.                       | 06.05.2015                 | AW-1           | Mangat Ram      | 58/2013      |
| 55.                       | 06.05.2015                 | AW-1           | Tilak Raj       | 59/2013      |
| Village Darban            |                            |                |                 |              |
| 56.                       | 06.05.2015                 | AW-1           | Dev Raj         | 28/2012      |
| Village Sarti Teeka Tanoh |                            |                |                 |              |
| 57.                       | 06.05.2015                 | AW-1           | Chaman Singh    | 23/2012      |
| 58.                       | 27.04.2015                 | AW-1           | Gobind Singh    | 13/2012      |
| 59.                       | 06.05.2015                 | AW-1           | Hans Raj        | 20/2012      |
| 60.                       | 27.04.2015                 | AW-1           | Kartar Singh    | 12/2012      |

2.2 Per contra, the beneficiary or the State examined the following witnesses:-

| Sr. No.                   | Date of Award passed by RC | Witness Number | Name of Witness           | LAC Case No. |
|---------------------------|----------------------------|----------------|---------------------------|--------------|
| Village Dunera Tika Maroh |                            |                |                           |              |
| 1.                        | 15.04.2015                 | RW-1           | Rakesh Pathak             | 70/2013      |
| 2.                        | 15.04.2015                 | RW-1           | Rakesh Pathak             | 68/2013      |
| 3.                        | 27.04.2015                 | RW-1           | Balwinder Kaur            | 33/2015      |
| 4.                        | 01.09.2015                 | RW-1           | Smt. Param                | 82/2014      |
| 5.                        | 10.08.2015                 | RW-1           | Balwinder Kaur            | 65/2013      |
| 6.                        | 06.05.2015                 | RW-1           | Balwinder Kaur            | 21/2012      |
| 7.                        | 01.09.2015                 | RW-1           | Smt. Param                | 79/2014      |
| 8.                        | 01.09.2015                 | RW-1           | Smt. Param, Sr. Assistant | 78/2014      |
| 9.                        | 15.04.2015                 | RW-1           | Rakesh Pathak             | 72/2013      |
| Village Dukhnaili         |                            |                |                           |              |
| 10.                       | 11.10.2013                 | RW-1           | Smt. Balwinder Kaur       | 51/2012      |
| 11.                       | 11.10.2013                 | RW-1           | Smt. Balwinder Kaur       | 79/2012      |
| 12.                       | 10.08.2015                 | RW-1           | Smt. Param                | 77/2013      |
| 13.                       | 03.01.2015                 | RW-1           | Balwinder Kaur            | 14/2012      |
| 14.                       | 09.10.2013                 | RW-1           | Balwinder Kaur            | 16/2012      |
| 15.                       | 11.10.2013                 | RW-1           | Balwinder Kaur            | 51/2012      |
| 16.                       | 15.04.2015                 | RW-1           | Rakesh Pathak             | 34/2014      |
| 17.                       | 06.05.2015                 | RW-1           | Balwinder Kaur            | 22/2012      |
| 18.                       | 06.05.2015                 | RW-1           | Balwinder Singh           | 24/2012      |
| 19.                       | 06.05.2015                 | RW-1           | Balwinder Kaur            | 18/2012      |
| 20.                       | 06.05.2015                 | RW-1           | Balwinder Kaur            | 26/2012      |
| 21.                       | 06.05.2015                 | RW-1           | Balwinder Kaur            | 25/2012      |
| Village Ghar Teeka Barnoh |                            |                |                           |              |
| 22.                       | 10.08.2015                 | RW-1           | Smt. Balwinder Kaur       | 56/2013      |
| 23.                       | 01.09.2015                 | RW-1           | Smt. Param                | 81/2014      |
| 24.                       | 01.09.2015                 | RW-1           | Smt. Param                | 79/2014      |
| 25.                       | 15.04.2015                 | RW-1           | Rakesh Pathak,            | 67/2013      |

| <b>Sr. No.</b>                    | <b>Date of Award passed by RC</b> | <b>Witness Number</b> | <b>Name of Witness</b>       | <b>LAC Case No.</b> |
|-----------------------------------|-----------------------------------|-----------------------|------------------------------|---------------------|
|                                   |                                   |                       | Sr. Assistant                |                     |
| 26.                               | 15.04.2015                        | RW-1                  | Rakesh Pathak, Sr. Assistant | 31/2013             |
| 27.                               | 01.09.2015                        | RW-1                  | Smt. Param, Sr. Assistant    | 78/2014             |
| 28.                               | 15.04.2015                        | RW-1                  | Rakesh Pathak                | 71/2013             |
| 29.                               | 06.05.2015                        | RW-1                  | Balwinder Kaur               | 57/2013             |
| 30.                               | 06.05.2015                        | RW-1                  | Balwinder Kaur               | 66/2013             |
| 31.                               | 27.04.2015                        | RW-1                  | Balwinder Singh              | 29/2012             |
| 32.                               | 15.04.2015                        | RW-1                  | Rakesh Pathak                | 69/2013             |
| 33.                               | 06.05.2015                        | RW-1                  | Balwinder Singh              | 27/2012             |
| 34.                               | 27.04.2015                        | RW-1                  | Balwinder Kaur               | 31/2012             |
| <b>Village Darban Khas</b>        |                                   |                       |                              |                     |
| 35.                               | 01.02.2014                        | RW-1                  | Balwinder Kaur               | 22/2012             |
| 36.                               | 10.10.2013                        | RW-1                  | Balwinder Kaur               | 26/2012             |
| 37.                               | 09.10.2013                        | RW-1                  | Balwinder Kaur               | 12/2012             |
| 38.                               | 11.10.2013                        | RW-1                  | Balwinder Kaur               | 48/2012             |
| 39.                               | 03.07.2015                        | RW-1                  | Param                        | 73/2012             |
| 40.                               | 06.02.2016                        | RW-1                  | Naib Sub Devindra Kumar Dass | 143/2015            |
| 41.                               | 27.04.2015                        | RW-1                  | Balwinder Singh              | 14/2012             |
| 42.                               | 06.05.2015                        | RW-1                  | Balwinder Kaur               | 34/2013             |
| 43.                               | 27.04.2015                        | RW-1                  | Balwinder Singh              | 15/2012             |
| 44.                               | 27.04.2015                        | RW-1                  | Balwinder Kaur               | 17/2012             |
| 45.                               | 06.05.2015                        | RW-1                  | Balwinder Kaur               | 19/2012             |
| <b>Village Ghar Teeka Bagroli</b> |                                   |                       |                              |                     |
| 46.                               | 01.09.2015                        | RW-1                  | Smt. Param                   | 83/2014             |
| 47.                               | 10.08.2015                        | RW-1                  | Balwinder Kaur               | 61/2013             |
| 48.                               | 01.09.2015                        | RW-1                  | Param                        | 80/2014             |
| 49.                               | 01.09.2015                        | RW-1                  | Smt. Param, Sr. Assistant    | 78/2014             |
| 50.                               | 06.05.2015                        | RW-1                  | Balwinder Kaur               | 64/2015             |
| 51.                               | 06.05.2015                        | RW-1                  | Balwinder Kaur               | 52/2013             |
| 52.                               | 06.05.2015                        | RW-1                  | Balwinder Singh              | 60/2013             |
| 53.                               | 06.05.2015                        | RW-1                  | Balwinder Kaur               | 51/2013             |
| 54.                               | 06.05.2015                        | RW-1                  | Balwinder Kaur               | 58/2013             |
| 55.                               | 06.05.2015                        | RW-1                  | Balwinder Kaur               | 59/2013             |
| <b>Village Darban</b>             |                                   |                       |                              |                     |
| 56.                               | 06.05.2015                        | RW-1                  | Balwinder Kaur               | 28/2012             |
| <b>Village Sarti Teeka Tanoh</b>  |                                   |                       |                              |                     |
| 57.                               | 06.05.2015                        | RW-1                  | Balwinder Kaur               | 23/2012             |
| 58.                               | 27.04.2015                        | RW-1                  | Balwinder Singh              | 13/2012             |
| 59.                               | 06.05.2015                        | RW-1                  | Balwinder Kaur               | 20/2012             |
| 60.                               | 27.04.2015                        | RW-1                  | Balwinder Singh              | 12/2012             |

2.3 In all these appeals, in the documentary evidence, the landowners have produced the sale deed (Ex.A6) dated 30.08.2011 with respect to a small plot measuring 16 marlas. In these cases, the market value of the acquired land is to be assessed as on 19.04.2011.

**3. Reasons recorded by the Reference Court (RC)**

3.1 The landowners have also relied upon the awards passed (Ex.A2 to Ex.A5) with respect to the acquisition of the land for Pathankot-Amritsar Road (four-laning). The RC has held that these awards reflect the acquisition of land which is located at a distance of 20 kms. of the acquired land. Moreover, for Pathankot-Amritsar Road, the plain land has been acquired, whereas vide notification dated 19.04.2010, the land from hilly area has been acquired. Ultimately, in all these cases, the RC has relied upon the market value assessed by the High Court in RFA-1772-2011 Purshotam and Others v. State of Punjab and Others, assessing the market value @ ₹1,600/- per marla on the date of notification under Section 4 i.e. 17.08.1995. This land was acquired for establishment of reservoir of Ranjit Sagar Dam Project. In all these cases, no evidence to prove that the trees and building structures were existing on the acquired land has been produced.

3.2 The RC proceeded to assess the market value of the acquired land by granting increase @ 12% per annum for a period of 15 years 4 month i.e. gap between 17.08.1995 to 19.04.2010. Thus, the Court assessed the market value of the acquired land @ ₹4,544/- and ₹4,500/- as market value along with all the statutory benefits. As already noticed, in one case i.e. Regular First Appeal No. 373 of 2016, the reference petition has been dismissed.

**4. Arguments Addressed**

4.1 The learned counsel representing the appellant(s), the Commanding Officer(s) in 80 appeals have contended that the manner in

which the RC has assessed the market value by granting increase @ 12% per annum for a period of more than 15 years is wrong in view of the judgment passed by the Supreme Court in *The General Manager, Oil & Natural Gas Corporation Limited v. Rameshbhai Jivanbhai Patel (2008) 14 SCC 745*.

4.2 The learned counsel representing the landowners has contended that in the absence of any other evidence, the RC has no choice but to assess the market value in this manner. It is submitted that after the acquisition of land for reservoir of Ranjit Sagar Dam Project and the construction of Ranjit Sagar Dam in the year 1995, there was increase in the commercial activity and the prices of the land increased by metres and bounds. It is submitted that the land had great potential for being used for the purpose of commercial and residential purpose because the entire land was located near the existing road because the land has been acquired for four-laning.

## **5. Analysis and Discussion**

5.1 This Court has considered the submissions of the learned counsel representing the parties and perused the paper-books along with the requisitioned record.

5.2 On a court question, the learned counsel representing the beneficiary of the acquisition has admitted that the payment of the compensation has already been made to the landowners. In *Rameshbhai Jivanbhai Patel's case (supra)*, the Court has held that assessing the market value of the acquired land by assuming increase for a period of more than four to five years is inappropriate. However, as already noticed, in this

case, no other evidence has been produced. There is a positive finding of the RC that the land acquired vide notification dated 19.04.2004 adjoins the land acquired vide notification dated 17.08.1995. No effort has been made by the learned counsel representing the beneficiary of the acquisition to challenge the correctness of such findings. The learned counsel representing the landowners have also not challenged the correctness of the findings given by the RC with reference to Ex.A2 to Ex.A5. The sale instance (Ex.A6) dated 30.08.2011 is not only with respect to a smaller plot but also post 19.04.2010 notification.

5.3 Furthermore, this Court does not approve the manner in which the market value has been assessed by the RC because of the following two reasons:-

- I) The gap period calculated in majority of cases is 15 years 4 months, whereas it should be 14 years 8 months.
- II) The assessment of the market value for a period of more than four to five years for the base year on the basis of presumption of increase at a particular percentage per year is inappropriate.

5.4 However, this Court, as already noticed, is faced with a situation where the amount has already been paid and there is small difference in the calculation of the amount. In majority of batches, the market value has been assessed @ ₹4,544/- per marla, whereas in some of the cases, the market value has been assessed @ ₹4,500/-. There is no reason to pay different amount with respect to acquired land of identical market value. It will be difficult for the beneficiary of the acquisition to

recover the amount from the landowners who were paid in the years 2014, 2015, 2016. Hence, this Court finds it appropriate to assess the market value at the uniform rate of ₹4,544/- per marla by increasing the market value from ₹4,544/- in the some of the appeals where the market value has been assessed @ ₹4,500/- per marla.

5.5 In Regular First Appeal No. 373 of 2016, out of land comprised in khasra No.792/226 (8-18), the land measuring 2 kanals belonging to Chain Singh, appellant, was acquired which is not disputed by the beneficiary of the acquisition. The RC proceeded to assess the market value of the acquired land on the basis of previous judgment. In this case also, the RC, on 03.07.2015, should have assessed the market value at the same rate because the same was assessed in various other awards passed on 09.10.2013, 10.10.2013, 11.10.2013, 03.01.2014, 01.02.2014, 15.04.2015, 27.04.2015.

5.6 Hence, Chain Singh is also held entitled to the market value of the acquired land measuring 2 kanals @ ₹4,544/- per marla. He shall be entitled to all the statutory benefits as per the amended 1894 Act. It would be noted here that this judgment shall not be treated as a precedent because the manner in which the market value has been assessed by the RC is not correct. Except Chain Singh, the other landowners have not filed appeal, hence, the amount already paid to the landowners is maintained.

## **6. Decision**

6.1 Keeping in view the peculiar facts and circumstances of the present case, the appeals filed by the beneficiary of the acquisition are dismissed, whereas the Regular First Appeal No. 373 of 2016, filed by the

landowner, namely Chain Singh, shall stand allowed.

6.2           The miscellaneous application(s) pending, if any, in all the appeals, shall stand disposed of.

(Anil Kshetarpal)  
Judge

May 07, 2025  
“DK”

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

| Sr. No. | Case No.     | Party’s Name                                       |
|---------|--------------|----------------------------------------------------|
| 1.      | RFA-876-2016 | Commanding Officer Vs. Sadresh Singh & Others      |
| 2.      | RFA-877-2016 | Commanding Officer Vs. Mehar Singh And Others      |
| 3.      | RFA-878-2016 | Commanding Officer Vs. Harnam Singh And Others     |
| 4.      | RFA-880-2016 | Commanding Officer Vs. Jaipal Singh & Others       |
| 5.      | RFA-881-2016 | Commanding Officer Vs. Kamla Devi & Others         |
| 6.      | RFA-882-2016 | Commanding Officer Vs. Dinesh & Others             |
| 7.      | RFA-883-2016 | Commanding Officer Vs. Avtar Singh & Others        |
| 8.      | RFA-884-2016 | Commanding OfficerVs. Kashmir Singh & Others       |
| 9.      | RFA-885-2016 | Commanding Officer Vs. Dinesh Sharma & Others      |
| 10.     | RFA-886-2016 | Commanding Officer Vs. Dinesh & Others             |
| 11.     | RFA-887-2016 | Commanding Officer Vs. Malkiat Singh & Others      |
| 12.     | RFA-888-2016 | Commanding Officer Vs. Bharat Bhushan & Others     |
| 13.     | RFA-889-2016 | Commanding Officer Vs. Dinesh & Others             |
| 14.     | RFA-890-2016 | Commanding Officer Vs. Tilak Singh & Others        |
| 15.     | RFA-891-2016 | Commanding Officer Vs. Teju & Others               |
| 16.     | RFA-892-2016 | Commanding Officer Vs. Kanta Devi & Others         |
| 17.     | RFA-893-2016 | Commanding Officer Vs. Hans Raj & Others           |
| 18.     | RFA-894-2016 | Commanding Officer Vs. Changan Singh & Others      |
| 19.     | RFA-895-2016 | Commanding Officer Vs. Parkash Singh & Others      |
| 20.     | RFA-896-2016 | Commanding Officer Vs. Bhima & Others              |
| 21.     | RFA-897-2016 | Commanding Officer Vs. Mangat Ram & Others         |
| 22.     | RFA-898-2016 | Commanding Officer Vs.Milkhi Ram & Others          |
| 23.     | RFA-899-2016 | Commanding Officer Vs. Baldev Raj Kaushal & Others |
| 24.     | RFA-900-2016 | Commanding Officer Vs. Gram Panchayat & Others     |
| 25.     | RFA-901-2016 | Commanding Officer Vs. Kartar Singh & Others       |
| 26.     | RFA-902-2016 | Commanding OfficerVs. Jagdish Mittar & Others      |
| 27.     | RFA-903-2016 | Commanding Officer Vs. Sarandas & Others           |
| 28.     | RFA-904-2016 | Commanding Officer Vs. Deepak Kumar & Others       |
| 29.     | RFA-905-2016 | Commanding Officer Vs. Tilak Raj And Others        |
| 30.     | RFA-906-2016 | Commanding Officer Vs. Bachitter Singh & Others    |
| 31.     | RFA-907-2016 | Commanding Officer Vs. Ravinder Singh & Others     |

**Regular First Appeal No. 875 of 2016 (O&M)  
And Other Connected Cases**

**13**

| <b>Sr. No.</b> | <b>Case No.</b> | <b>Party's Name</b>                                          |
|----------------|-----------------|--------------------------------------------------------------|
| 32.            | RFA-908-2016    | Commanding Officer Vs. Badri Nath & Others                   |
| 33.            | RFA-4587-2014   | Commanding Officer Vs. Dhian Singh                           |
| 34.            | RFA-4588-2014   | Commanding Officer Vs. Dummi And Others.                     |
| 35.            | RFA-4589-2014   | Commanding Officer Vs. Anita Devi And Others                 |
| 36.            | RFA-4590-2014   | Commanding Officer Vs. Ramesh Lal And Others                 |
| 37.            | RFA-4591-2014   | Commanding Officer Vs. Ashwani Kumar                         |
| 38.            | RFA-4592-2014   | Commanding Officer Vs. Ram Kishan And Others                 |
| 39.            | RFA-4593-2014   | Commanding Officer Vs. Bidhi Singh And Others                |
| 40.            | RFA-4594-2014   | Commanding Officer Vs. Krishna Devi                          |
| 41.            | RFA-4595-2014   | Commanding Officer Vs. Tilak Raj & Others                    |
| 42.            | RFA-4596-2014   | Commanding Officer Vs. Rajnish Kumar & Others                |
| 43.            | RFA-4597-2014   | Commanding Officer Vs. Pritam Singh & Others                 |
| 44.            | RFA-4598-2014   | Commanding Officer Vs. Dharam Singh                          |
| 45.            | RFA-5807-2014   | Commanding Officer 69 Road Const. Coy (Gref) Vs. Dhian Singh |
| 46.            | RFA-6886-2014   | Commanding Officer Vs. Deso @ Des Raj And Others             |
| 47.            | RFA-7647-2014   | Commanding Officer Vs. Santa Ram And Others                  |
| 48.            | RFA-6123-2015   | Commanding Officer And Another Vs. Savitri Devi & Others     |
| 49.            | RFA-6124-2015   | Commanding Officer Vs. Varinder Kumar & Others               |
| 50.            | RFA-6125-2015   | Commanding Officer And Another Vs. Mann Singh & Another      |
| 51.            | RFA-6126-2015   | Commanding Officer And Another Vs. Manga Singh & Others      |
| 52.            | RFA-6127-2015   | Commanding Officer Vs. Ravinder Singh & Another              |
| 53.            | RFA-6128-2015   | Commanding Officer Vs. Malkiat Singh And Others              |
| 54.            | RFA-6129-2015   | Commanding Officer Vs. Santokh Singh & Others                |
| 55.            | RFA-6130-2015   | Commanding Officer Vs. Mahasho Ram & Others                  |
| 56.            | RFA-6131-2015   | Commanding Officer Vs. Mehro & Others                        |
| 57.            | RFA-6132-2015   | Commanding Officer Vs. Munshi Ram & Others                   |
| 58.            | RFA-6133-2015   | Commanding Officer And Another Vs. Vidya Devi And Others     |
| 59.            | RFA-6134-2015   | Commanding Officer And Another Vs. Hans Raj And Another      |
| 60.            | RFA-6135-2015   | Commanding Officer Vs. Malkiat Singh & Others                |
| 61.            | RFA-6136-2015   | Commanding Officer Vs. Amar Nath & Others                    |
| 62.            | RFA-6137-2015   | Commanding Officer Vs. Chandu & Others                       |
| 63.            | RFA-6138-2015   | Commanding Officer Vs. Mulakh Raj And Others                 |
| 64.            | RFA-6139-2015   | Commanding Officer Vs. Budhi Singh & Others                  |
| 65.            | RFA-6140-2015   | Commanding Officer Vs. Malkiat Singh And Others              |
| 66.            | RFA-373-2016    | Chain Singh Vs. Union Of India & Others                      |
| 67.            | RFA-1442-2016   | Commanding Officer Vs. Mohinder Singh & Others               |
| 68.            | RFA-1050-2016   | Commanding Officer Vs. Dev Raj & Others                      |
| 69.            | RFA-1051-2016   | Commanding Officer Vs. Prithvi Pal Singh & Others            |

| Sr. No. | Case No.      | Party’s Name                                   |
|---------|---------------|------------------------------------------------|
| 70.     | RFA-3111-2017 | Commanding Officer Vs. Dhian Singh And Others  |
| 71.     | RFA-3112-2017 | Commanding Officer Vs. Prem Chand And Others   |
| 72.     | RFA-3113-2017 | Commanding Officer Vs. Geeta Devi And Others   |
| 73.     | RFA-3114-2017 | Commanding Officer Vs. Churu And Others        |
| 74.     | RFA-3115-2017 | Commanding Officer Vs. Dumni And Others        |
| 75.     | RFA-3116-2017 | Commanding Officer Vs. Gian Chand And Others   |
| 76.     | RFA-3117-2017 | Commanding Officer Vs. Girdhari Lal And Others |
| 77.     | RFA-3118-2017 | Commanding Officer Vs. Jobnu Devi And Others   |
| 78.     | RFA-3119-2017 | Commanding Officer Vs. Santa Ram And Others    |
| 79.     | RFA-3120-2017 | Commanding Officer Vs. Preeto Devi And Others  |
| 80.     | RFA-3121-2017 | Commanding Officer Vs. Anita Devi And Others   |

**May 07, 2025**  
“DK”

**(Anil Kshetarpal)**  
**Judge**