2025:PHHC:150211

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM-2841-CI-2024 IN/AND RFA-9148-2014
Date of Decision: November 14, 2025

RAMESH LAL ....Appellant

Versus

STATE OF PUNJAB & ORS ....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. R.S. Manhas, Advocate for the appellant.

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

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HARKESH MANUJA, J. (ORAL)

CM-2841-CI-2024

This is an application filed under Section 151 CPC for fixing actual date of hearing of the main appeal.

Notice of motion.

Mr. Gunjan Mehta, Addl. A.G. Punjab accepts notice and does not raise any objection to the prayer made in the application.

Having heard learned counsel for the parties and gone through the contents of the application, the same is allowed and the main case is taken up on board today itself.

MAIN CASE

By way of present appeal, challenge has been laid to an award dated 05.03.2014 passed by the learned Reference Court-cum-Addl. District Judge, Pathankot.

2. Briefly stating, in the present case, some land owned by the appellant situated in revenue estate of village Darkua Bangla, Teeka

Godwan, Pathankot (erstwhile district Gurdaspur) came to be acquired vide notifications dated 07.08.1995 and 23.07.1996 issued under Sections 4 and 6 respectively of the Land Acquisition Act, 1894 (hereinafter referred to as ‘the Act’). The acquisition was carried out for public purpose of construction of reservoir of Ranjit Sagar Dam, Pathankot. At the time of acquisition, certain construction was already existing over the land in question regarding which award was passed by Land Acquisition Collector (for short ‘the LAC’) on 23.07.1998 granting compensation to the tune of Rs.09,85,896/- to the landowner(s). Being aggrieved, the appellant-landowner sought reference under Section 18 of the Act which came to be partly accepted while awarding of compensation of 25% over and above the value of super structure as assessed by the LAC. Aggrieved of the decision dated 05.03.2014, the present appeal has been preferred.

3. Learned counsel for the appellant submits that by way of evidence in the shape of deposition of AW-2 namely, Bharat Bhushan, approved valuer (possessing Diploma of Civil Engineering), site plan, valuation report and assessment report regarding the construction existing over the acquired land were proved on record as Exs. A-1, A-2 and A-3 respectively whereby, the total value of the building was assessed at Rs.24,33,176/- and thus, the appellant-landowner was entitled for the same benefit.

4. On the other hand, learned counsel appearing on behalf of respondents submits that a well-reasoned award was passed by the learned Reference Court upon appreciation of evidence available on record and the same thus, calls for no interference and the present appeal needs to be dismissed.

5. 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.

6. As per the records, the appellant-landowner was awarded sum of Rs.9,85,896/- as compensation towards structure existing over the acquired land. From the deposition of RW-1, Desraj, SDO, Ranjit Sagar Dam, it is clear that an award was passed on the basis of assessment made by a committee consisting of 3 members constituted by the respondents-authority and the determination was never made as per CSR rates. It is now disputed that as per the policy decision dated 18.11.1993 by the Deputy Commissioner-cum-Chairman of Sub Committee (R&R), Shahpurkandi Dam Project, the valuation of house and other structures over the acquired land needs to be carried out as per his current Common Schedule of Rates (CSR) as applicable to PWD Irrigation Branch.

7. On the contrary, the valuation of the super structure has been proved on record as Rs.24,33,176/- by the appellant-landowner through deposition of AW-2/Bharat Bhushan, approved valuer (possessing Diploma of Civil Engineering) through Site plan (Ex.A-1), Valuation Report (Ex.A-2) and Assessment Report (Ex.A-3).

8. Despite a lengthy cross-examination of AW-2, respondents have not been able to impeach the credibility of his deposition, thus, in such circumstances, the Assessment Report (Ex.A-3) needs to be relied upon as a valid and substantive piece of evidence for the purpose of determination of compensation in favour of appellant-landowner. Under similar circumstances, this Court in "**Union of India and Ors. Vs. Rattan Chand and Anr.**" reported as 2012(1) RCR(Civil), 192 went on

to take average of both the valuations made by the respective parties. Adopting the same, in order to balance the equities, the appellant-landowner is held entitled for award of compensation on the basis of average of the two valuations i.e. one made by the LAC @Rs.9,85,896/- and the other one which has been proved on record by the appellant-landowner through the expert valuer (AW-2) @Rs.24,33,176/- which comes to Rs.17,09,536/-(24,33,176+ 9,85,896/2).

9. In view of the aforesaid, the present appeal is disposed of.

14.11.2025 **(HARKESH MANUJA)**
Tejwinder **JUDGE**

Whether speaking/reasoned	*Yes/No*
Whether Reportable	*Yes/No*