

2025:PHHC:153511



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

RFA-398-2017 (O&M)
Decided on:-30.10.2025

Union of India and another

....Petitioners..

VS.

Rajeshwar Singh and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Arun Gosain, Senior Standing Counsel for UOI.

Mr. B.S. Rana, Senior Advocate with
Mr. R.S. Manhas, Advocate,
for respondents No.1 & 2.

HARKESH MANUJA J. (Oral)

CM-3011-CI-2024

1. By way of present application, prayer has been made for seeking permission to lead additional evidence in the form of Jamabandies as Ex. R-1 to Ex.R-4, so as to establish that the respondents-landowners are raising claim towards some part of the *sham lat* land, for which, they are not entitled.
2. Reply to the application has been filed.
3. I have heard learned counsel for the parties and gone through the paper book.
4. A perusal of the impugned award dated 26.07.2016 passed by the Id. Reference Court-cum-Additional District Judge, Pathankot, shows that the respondents-landowners have been held entitled for award of

SONIKA compensat
2025.11.11 11:10
I attest to the accuracy and
authenticity of this document

compensation with respect to 10 kanals 7 marlas of land forming part of the

revenue estate of village Daulatpur, Tehsil and District Pathankot, in terms of the direction issued by this Court passed in Civil Writ Petition No.1361-2005 vide orders dated 19.07.2010 and 14.10.2010 about acquisition of 10 kanals 7 marlas of land, which was confirmed by the Hon'ble Apex Court vide its decision dated 12.12.2012 passed in SLP No.31814-31815 of 2010, titled as ***“Union of India and other vs. Avtar Singh and another”*** whereby, the direction issued by this Court in aforementioned writ petition about acquisition of said land was upheld.

5. Since the acquisition relates to 10 kanals 7 marlas of land owned by the respondent-landowner and the determination made by the Id. Reference Court also relates to the same; the respondents-landowners shall undisputedly be entitled for award of compensation with respect to the said land only and as such there is no purpose of permitting the applicants-appellants to lead any additional evidence in the form of jamabandies Ex.R-1 to R-4 so as to submit or controvert any claim qua any *shamlat* property. Moreover, no such plea as regards any *shamlat* share was ever specifically or categorically pleaded by the applicants-appellants in their written statement before the Id. Reference Court nor any such issue was ever pressed.

6. In such circumstances, the evidence sought to be adduced being beyond pleadings cannot be permitted.

7. Accordingly, the application in hand being devoid of merits is thus, dismissed.

Main case

1. By way of present appeal, challenge has been laid to an award dated 26.07.2016 passed by the Id. Reference Court-cum-Additional District Judge, Pathankot, whereby, the respondents-landowners were held entitled

of market value @ Rs.12,50,000/- per marla against the acquired

land besides award of other statutory benefits.

2. The acquisition in the present case commenced vide notifications dated 18.02.2013 and 22.04.2013, issued under Sections 4 & 6 respectively of the Land Acquisition Act, 1894 (*for short, "1894 Act"*) pertaining to 10 kanals 7 marlas of land situated within the revenue estate of Daulatpur, Tehsil & District Pathankot. The award was passed on 01.07.2013 whereby, the market value was assessed @ Rs.1,15,00,000/- per acre by the Land Acquisition Collector.

3. Aggrieved thereof, the respondents-landowners preferred reference petition under Section 18 of the 1894 Act, which came to be partly accepted and assessed the market value @ Rs.12,50,000/- per marla. It may be pointed out here that the acquisition proceedings in the present case commenced in pursuance of the directions issued by this Court vide order dated 19.07.2010 and 14.10.2010 passed in CWP-1361-2005, which were later upheld by the Hon'ble Apex Court vide decision dated 12.12.2012 passed in SLP Nos.31814-31815 of 2010, as the land in question was already under occupation of the appellants being utilized as *gairmumkin* workshop.

4. I have heard learned counsel for the parties and gone through the paper book.

5 A perusal of the record shows that 05 sale instances in the form of Ex.A-2 to A-6 have been produced on record by the respondents-landowners. All those, sale instances pertain to small parcels ranging from 01 marla to 02 marlas of land and are forming part of the same vicinity of the acquired land as reflected and established from the site plan Ex.A-9. No sale instance of any larger piece of land has been produced on record from the side of appellants. Since all the sale instances pertaining to the area falling in the vicinity of the acquired land were of small parcels of 01 marla

to 02 marlas, this fact alone is indicative that the land at the time of

acquisition was having commercial potentiality attached to it. Moreover, it has not been disputed that the land under acquisition abuts the National Highway leading from Jalandhar to Jammu. Further, from the evidence available on record in the form of Ex.A-1 i.e. the circle rate of the area concerned for the financial year 2012-2013, the rate for the commercial land has been determined as Rs.12,50,000/- per marla. Besides it, reliance has also been placed by the Id. Reference Court upon the award Ex.A12 dated 30.03.2016 passed in FAO-9678-2014, whereby, the market value in relation to the acquisition of National Highway for the land falling in the revenue estate of village Daulatpur as regards the notification dated 24.12.2004, issued under Section 3-A of the National Highways Act, 1956, was determined @ Rs.4,50,000/-lacs per marla and in case 12% appreciation at the compound rate was applied thereupon for the time gap between the date of notification i.e. 24.12.2004 till the date of notification under Section 4 of the 1894 Act in the present case i.e. 17.04.2013, the market value comes to Rs.11,58,750/- per marla.

6. In the wake of discussion made herein above, since it has been established on record that the land under acquisition which is situated just abutting the National Highway leading from Jalandhar to Jammu and the same is of commercial nature being surrounded by various commercial establishment as depicted from the sale instance Ex.A-2 to A-6 as well as site plan Ex.A-9, no perversity can be found with the reasoning recorded by the Id. Reference Court having assessed the market value @ Rs.12,50,000/- per marla in favour of the respondents-landowners as on the date of notification under Section 4 of the 1894 Act in the case in hand, especially when the Collector rate of the area concerned i.e. village Daulatpur for the relevant financial year 2012-13 for commercial purpose was fixed @

dismissed.

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

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

9. Pending application(s), if any shall also stand disposed of.

30.10.2025

sonika

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No