

CWP Nos.23705, 23707, 23749 and 23751 of 2023 (O&M)

2025:PHHC:113406



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

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1. CWP No.23705 of 2023 (O&M)
Date of Decision: 26.08.2025

CHAIRMAN, IMPROVEMENT TRUST HOSHIARPUR AND ANR.
.....Petitioners

Vs

IMPROVEMENT TRUST TRIBUNAL AND ORS.Respondent(s)

2. CWP No.23707 of 2023 (O&M)

IMPROVEMENT TRUST HOSHIARPURPetitioner

Vs

IMPROVEMENT TRUST TRIBUNAL AND ORS.Respondent(s)

3. CWP No.23749 of 2023 (O&M)

CHAIRMAN, IMPROVEMENT TRUST HOSHIARPUR AND ANR.
.....Petitioners

Vs

IMPROVEMENT TRUST TRIBUNAL AND ORS.Respondent(s)

4. CWP No.23751 of 2023 (O&M)

IMPROVEMENT TRUST HOSHIARPURPetitioner

Vs

IMPROVEMENT TRUST TRIBUNAL AND ORS.Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Kamaldeep Singh Sidhu, Advocate
for the petitioner(s).

HARKESH MANUJA, J. (Oral)

[1]. Vide this common order, CWP Nos.23705, 23707, 23749 and 23751 of 2023 are being decided as all the petitions have arisen out of common acquisition/Award involving common facts and question of law. For brevity, facts are being culled out from CWP No.23705 of 2023.

[2]. By way of present petition(s), challenge has been laid to an Award dated 31.03.2023 passed by the learned Improvement Trust Tribunal, Hoshiarpur

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(hereinafter to be referred as the 'Reference Court'), whereby Reference Petition filed under Sections 18 & 30 of the Land Acquisition Act, 1894 (for short 'the Act') at the instance of landowners was partly allowed while enhancing the compensation from Rs.1 lakh per marla to Rs.3 lakh per marla *qua* the acquired land as well as awarding other statutory benefits/interest in their favour besides, deciding the apportionment of compensation. Present appeal has been preferred at the instance of Improvement Trust Hoshiarpur i.e. the beneficiary.

[3]. Briefly stating, in the present case(s), land measuring 13 Kanals 17 Marlas situated within the revenue estate of village Sutehri, District Hoshiarpur, came to be acquired vide Notifications dated 27.12.2010 and 30.06.2011 issued under Sections 36 & 42 of the Punjab Town Improvement Act, 1922 respectively for utilization of the land as residential and commercial, followed by an Award passed by the Land Acquisition Collector (for short 'the LAC') on 30.12.2011 thereby determining the market value of the Gair Mumkin Cinema as well as Chahi land to be Rs.1,00,000/- per marla besides granting compensation to the tune of Rs.19,78,000/- for the super structures and Rs.44,001/- for the standing trees along with other statutory benefits.

[4]. Aggrieved thereof, the appellant(s)-landowners invoked Reference under Section 18 of the Act. Both the parties were permitted to lead their evidence. It may also be noted here that besides the dispute about enhancement of market value of the land under acquisition, the factum of apportionment of compensation was also in question. However, in the present writ petitions the issue involves only with respect to the enhancement awarded by the learned Reference Court whereby vide its Award dated 31.03.2023, the market value *qua* the acquired land was enhanced from Rs.1 lakh per marla to Rs.3 lakh per marla besides awarding all

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other statutory benefits whereas the compensation on account of super structures and the trees as awarded by the Land Acquisition Collector was upheld.

[5]. Impugning the aforesaid, learned counsel for the petitioners submits that the learned Reference Court enhanced the market of the acquired land without taking into consideration the evidence available on record. Learned counsel further submits that the Land Acquisition Collector assessed the market value @ Rs.1 lakh per marla for Gair Mumkin Cinema as well as Chahi land on the basis of value assessed by the Committee specially constituted for this purpose which was headed by the then Deputy Commissioner, Hoshiarpur and was comprising of Kamaljit Singh, representative of the Member Parliament, Hoshiarpur, Vinay Bublani Sub Divisional Magistrate, HS Dhami, Chairman Improvement Trust, Hoshiarpur and Rajiv Verma, District Revenue Officer, Hoshiarpur and thus, the same called for no interference by the learned Reference Court. No other ground has been addressed.

[6]. I have heard learned counsel for the petitioners and gone through the paper book. Relevant extract from paragraph 63 of the impugned Award is extracted hereunder:-

“xxx xxx xxx. Thus, it is evident that according to the respondent HIT compensation was granted by the LAC @ Rs.1 lakh per marla as has been assessed by the Committee specially constituted for this purpose However, perusal of the sale deeds discussed herein above shows that the value of the property situated in the vicinity of the acquired land was much higher at that time. The property sold vide sale deeds Ex. A16 Ex. A18 Ex.A19, Ex A20 and Ex.A21 which are situated across the road opposite to the acquired land is much higher as detailed herein above. Further Ex.A13 is Collector Rate List for the year 2010-11 showing that value of the land for the purpose of registration of sale deeds in the said area was from Rs.1,08,000/- to Rs.6 lakh per marla i.e. for plot, constructed house, plot for

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shop and constructed shop. In the present case entire acquired land is admittedly having commercial value. It was acquired for specific commercial purpose by the HIT. Thus its Collector rate as per Ex. A13 is for plot of shop was Rs.4,56,000/-for the purpose of registration of the sale deed. Ex.A26 is Collector rate list for Municipal Council Urban for the year 2013-14. Its perusal also shows that in the area situated on northern side of Deputy Commissioner residence. Ekta Nagar, Civil Lines, Guru Nanak Avenue, Guru Nanak Nagar, Shankar Nagar, back side Green View Park and back side of Tehsil is from Rs.1,65,000 to Rs.6,75,000/- per marla for plot of shop and constructed house, constructed shop. At that time the value of commercial property of plot for shop was Rs.4,25,000/- per marla which is also much higher than the compensation awarded by the LAC. There is nothing on record from the side of respondents HIT as to what was basis of determining the value of acquired land by the specially constituted Committee. Although it is case of respondents HIT that Collector Rate and rate of properties situated in the vicinity of the acquired land were taken into consideration by the said specially constituted Committee but none of the members of said Committee was examined by the respondents HIT to prove this fact. So it is evident that there is no evidence on record showing that as to how the said specially constituted Committee arrived at the conclusion to recommend the rate of the acquired land @ Rs.1 lakh per marla when the sale deeds of the properties in the vicinity of the acquired land during the period of the year 2008 to 2011 were executed at different intervals at much higher rate. Even the Collector rate for registration of the sale deed in the said area at that time was much higher. Thus, documents ie the sale deeds of the properties situated in the vicinity of the acquired land and the Collector rate list goes to show that at the time of acquisition of the land in question actual market value of the acquired land was not less than Rs.3 lakh per marla.”

[7]. Perusal of the record would show that it was categorically recorded by the learned Reference Court that the land under acquisition had commercial value because of its geographical locational advantage being surrounded by various residences and commercial establishments as traced out from the site plan



Ex.A-24. Moreover, the assessment of market value was based on the exemplar sale deed Ex.A-13 pertaining to the year 2010-2011 whereby a shop forming part of commercial property was sold in the same vicinity at the price of Rs.4,25,000/- per marla. Besides it, learned Reference Court has also taken into account the fact that between the years 2008 to 2011 there have been number of sale instances in the same vicinity and, thus the acquired land was having commercial potential as rightly noticed by the learned Reference Court.

[8]. In view of the aforesaid discussion, the Award passed by the learned Reference Court whereby market value of the Gair Mumkin Cinema as well as Chahi land has been assessed @ Rs.3 lakh per marla besides award of all other statutory benefits as well as interest in favour of the landowners calls for no interference considering the limited scope of judicial review especially there being no misreading of any material and admissible evidence on record. Consequently, all the writ petitions are hereby dismissed. However, it may be noted here that the present order shall have no bearing upon the grievance, if at all raised at the instance of landowners as regards the determination made vide Award dated 31.03.2023 passed by the learned Reference Court, about the market value or even apportionment of compensation.

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

August 26, 2025
Atik

(HARKESH MANUJA)
JUDGE

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