



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

RFA-2132-2002 (O&M)

Date of Decision: 17.04.2026

Hakam Singh and others

.....Appellants

Versus

Union of India and anr.

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Simran Atwal, Advocate for
Ms. Supriya Garg, Advocate
for the appellants.

Mr. Arun Goasin, Sr. Panel counsel with
Mr. Ramandeep Singh Sandhu, Advocate
for respondent No.1.

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

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HARKESH MANUJA, J. (ORAL)

Vide this common order, a bunch of 10 Regular First Appeals, details of which are given in the footnote of this judgment, 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.2132-2002**.

2. By way of present appeal(s), challenge has been laid to the Award dated 12.11.2001 passed by the learned Addl. District Judge, Bathinda (for short, ***“the Reference Court”***), whereby the

benefit of interest on solatium component has been declined to the appellants / landowners.

3. Briefly stating, some land forming part of the revenue estate of Villages Bucho Khurd and Bucho Kalan was acquired for public purpose, namely, “*for establishment of the Bathinda Cantonment*”, vide notifications dated 10.05.1979 and 04.10.1979 issued under Sections 4 & 6 of the Land Acquisition Act, 1894 (for short the ‘**1894 Act**’) respectively. Award under Section 11 of the 1894 Act was passed by the Land Acquisition Collector (for short ‘**the LAC**’) on 30.03.1981, thereby, besides granting all other statutory benefits under the 1894 Act, it assessed the market value in the following manner:-

Village Bhucho Khurd		
Sr.No.	Type of Land	Value assessed Rs. per acre
i.	Nehri, Chahi and Nehri/Chahi	Rs. 22,000/- per acre
ii.	Barani	Rs. 10,000/- per acre
iii.	Banjar Kadim & Gair Mumkin	Rs. 5,000/- per acre
Village Bhucho Kalan		
Sr.No.	Type of Land	Value assessed Rs. per acre
iv.	Nehri and Chahi	Rs. 20,000/- per acre
v.	Barani	Rs. 12,770/- per acre
vi.	Banjar Kadim & Gair Mumkin	Rs. 6,400/- per acre

4. Being aggrieved, some of the other landowners filed objections under Section 18 of the 1894 Act which was disposed of by the learned Reference Court vide decision dated 06.11.1985 and the market value was re-assessed to the following effect:-

“.....learned Additional District Judge, Bathinda vide award

*dated 06-11-1985 fixed the market value of the land of Village **Bhucho Khurd** as under:-*

- | | | |
|------|--|-----------------------------|
| i) | <i>Land abutting in the main road Bathinda-Barnala National highway on both sides upto the depth of 250 meters throughout the length of the village;</i> | <i>Rs.32,770/- per acre</i> |
| ii) | <i>Nehri, Chahi and Nehri/Chahi</i> | <i>Rs.27,305/- per acre</i> |
| iii) | <i>Barani</i> | <i>Rs.12,500/- per acre</i> |
| iv) | <i>Banjar Kadim & Gair Mumkiun</i> | <i>Rs.6,250/- per acre</i> |

*Vide the abovesaid award dated 06.11.1985, the learned Additional District Judge, Bathinda fixed the market value of the acquired land of village **Bhucho Kalan** as under:-*

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|------|--|-----------------------------|
| i) | <i>Land abutting in the main road Bathinda-Barnala upto the depth of 500 meters.</i> | <i>Rs.31,000/- per acre</i> |
| ii) | <i>Nehri, Chahi and Nehri/Chahi</i> | <i>Rs.30,000/- per acre</i> |
| iii) | <i>Barani</i> | <i>Rs.14,000/- per acre</i> |
| iv) | <i>Banjar Kadim & Gair Mumkiun</i> | <i>Rs.8,000/- per acre”</i> |

5. Still aggrieved, the said landowners approached this Court having preferred RFAs which were disposed of vide decision dated 21.05.1987 with lead case **RFA No. 440 of 1986**, titled “**Zora Singh vs. Union of India and anr.**” The relevant portion therefrom is extracted hereunder:-

“To sum up the above discussion, I determine the market value of the land acquired in the revenue estates of the three villages of Mehna, Bhucho Khurd and Bhucho Kalan as under:-

i)	Abadis of village Mehna-Basti Sman Knera, Kharaj Chak, and abadi of village Bhucho Kalan	Rs.70,000/- per acre
ii)	Land abutting Bathinda-Barnala National highway upto a depth of 500 meters on its either side.	Rs.70,000/- per acre
iii)	Chahi, Nehri and Chahi/ Nehri land	Rs.37,000/- per acre
iv)	Barani land	Rs.27,000/- per acre
v)	Banjar, Banjar Kadim and Gair Mumkin	Rs.15,000/- per acre

It is further made clear that the land owners shall be entitled to solatium at the rate of 30% of the market value of the acquired land, an additional amount at the rate of 12% per annum under section 23(1-A) of the Act, and interest at the rate of 9% for a period of one year from the date of their dispossession and at the rate of 15% per acre for the period subsequent thereto till the payment of the total amount of compensation to them.

It has been brought to my notice that most of the land owners have claimed in those appeals much higher compensation than what has been awarded by me through this judgment but there are a few cases where-in the claims have been made at a less value. In such cases, I follow the ratio of Bhag Singh's case (supra) and direct the concerned appellants to make up the deficiency in the court-fee within two months from today before they are entitled to recover compensation on the basis of this judgment. On their failure to do so, the amount payable to them shall stand limited to what has been claimed by them in their appeals.”

As a consequence, the regular first appeals and the Cross-Objections filed by the land-owner's are allowed with proportionate costs and the regular first appeals filed by the Union of India are dismissed without any orders as to costs.”

6. The abovementioned decision dated 21.05.1987 was assailed before this Court in intra-Court appeal vide **LPA No. 1251 of**

1987 titled as “**Zora Singh vs. Union of India and anr.**”, which was decided on 30.01.1989 to the following effect:-

“In view of this, we do not find any substance in the submission of the learned Senior Standing Counsel. The claimants are entitled to the benefit of sub-Section (1-A) of Section 23 as introduced by the Central Act No. 68 of 1984.

The appeals filed by the claimants are allowed and they are allowed compensation for the land acquired as under:-

i)	<i>For the land within the abadi and abutting the National Highway on either side upto the depth of 500 meters.</i>	<i>@ Rs.90,000/- per acre</i>
ii)	<i>For Chahi/ Nehri or Chahi, Nehri land</i>	<i>@ Rs.5,000/- per acre</i>
iii)	<i>For Barani Land</i>	<i>@ Rs.38,000/- per acre</i>
iv)	<i>For Banjar Kadim or Gair Mumkin land.</i>	<i>@ Rs.30,000/- per acre</i>

They will be entitled to the benefit of the Central Amending Act (Act No. 68 of 1984) in case the Constitution Bench of the Supreme Court upholds the view expressed in Bhag Singh and others Vs. Union Territory of Chandigarh, AIR 1985 Supreme Court 1576, and overrules the view expressed in Kamalajam-Manniavaru vs. The Special land Acquisition Officer and vide versa, AIR 1985 Supreme Court 576. This is subject to Court fee paid in the appeal memo. The claimant/ appellants will also be entitled to proportionate costs. The appeals filed by the Union of India are dismissed.”

7. In the meanwhile, based on the learned Reference Court award dated 06.11.1985, the appellants herein preferred application under Section 28-A of the 1894 Act within the statutory time period of

90 days. The LAC vide its order dated 20.11.1998 decided the said application preferred under Section 28A of the Act to the following effect:-

“Village Bhucho Khurd

i)	Land abutting on the main on both sides upto the depth of 250 mts. throughout the length of the village.	Rs.32,770/- per acre
ii)	Nehri, chahi and Nehri/chahi	Rs.27,305/- per acre
iii)	Barani	Rs.12,500/- per acre
iv)	Banjar kadim	Rs.6,250/- per acre
v)	Gair Mumkin	Rs.6,250/- per acre

Village Bhucho Kalan

“i)	Land abutting the main Bathinda-Barnala upto the depth of 500 meters.	Rs.31,000/- per acre
ii)	Nehri chahi and Nehri/chahi	Rs.30,000/- per acre
iii)	Barani	Rs.14,000/- per acre
iv)	Banjar kadim and Gair Mumkin	Rs.8,000/- per acre”

8. Still aggrieved, the appellants invoked Section 28-A (3) of the 1894 Act and the same came to be disposed of by the learned Reference Court vide decision dated 12.11.2001 with the following determination:-

“17. In view of my findings on issue No.1, the claimants/ petitioners are held entitled to receive and recover compensation for their acquired land at the following rate:-

i)	For the land within the abadi and abutting National Highway on either sides	Rs.90,000/- per acre
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	<i>upto a depth of 500 meters</i>	
<i>ii)</i>	<i>For Chahi/ Nehri or Chahi Nehri land</i>	<i>Rs.50,000/- per acre</i>
<i>iii)</i>	<i>For Barani land</i>	<i>Rs.38,000/- per acre</i>
<i>iv)</i>	<i>For Banjar Kadim and Gair Mumkin</i>	<i>Rs.30,000/- per acre</i>

They will also be held entitled other statutory benefits i.e. additional benefits at the rate of 12% per annum from the date of notification till the award or the taking of possession whichever is earlier, under Section 23 (1-A) and solatium at the rate of 30% P.A. under Section 23 (2) of the Act, along with interest at the rate of 9% P.A. for the first year and at the rate of 15% for the subsequent period till actual realization, but on the enhanced amount of compensation with effect from the date of possession or the Award whichever is earlier. The interest shall also be paid only on the enhanced amount of compensation and not on the solatium or the amount of compensation already paid to them.”

9. The short grouse raised in the present appeal(s) at the instance of learned counsel for the appellants/ landowners is that though the appellants/ landowners were already awarded similar benefit of enhanced market value as assessed by this Court vide its decision dated 30.01.1989 passed in **LPA No. 1251 of 1987** in **Zora Singh’s case (supra)**, however, the learned Reference Court without giving any justified reasons denied the benefit of interest on solatium and thus the award passed by the learned Reference Court to the said extent was liable to be modified.

10. Per contra, learned counsel for respondent No.1 submits that the award passed by the learned Reference Court was based on

proper appreciation of material available on record and therefore, the same calls for no interference.

11. I have heard learned counsel for the parties and gone through the paper-book as well as records of the case. I find substance in the submissions made by learned counsel for the appellants.

12. A perusal of the decision dated 21.05.1987 passed by this Court in **RFA No. 440** of 1986 in **Zora Singh's case (supra)** clearly records that the landowners were held entitled for interest over the total amount of compensation which apparently and evidently included the component of solatium. In this view of the matter, the learned Reference Court erred having denied the benefit of interest on solatium component to the appellants/ landowners while passing the award dated 12.11.2001.

13. Further, a perusal of the impugned order also shows that no reasons were recorded by the learned Reference Court having specifically declined the benefit of interest on solatium to the appellants/ landowners. In such circumstances, the impugned award dated 12.11.2001 passed by the learned Reference Court being legally unsustainable, is set aside to the extent whereby the appellants/ landowners were denied the benefit of interest on the solatium component.

14. Accordingly, the present appeals are allowed and the appellants/ landowners, in addition to the benefit of enhanced market

value assessed by the learned Reference Court in terms of decision dated 30.01.1989 passed in **LPA No. 1251 of 1987** in **Zora Singh’s case (supra)**, shall also be entitled for other statutory benefits and interest especially interest on solatium.

15. Further, wherever, the landowner(s) has/have unfortunately expired in the appeal(s)/ cross-objection(s) after filing thereof and the legal heirs have not been impleaded, they shall be at liberty to seek execution of the present decision by moving appropriate application(s) before the learned Executing Court.

16. Pending misc. application(s), if any, shall also stands disposed of.

17.04.2026
sanjay

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned?

Whether Reportable?

Yes/No

Yes/No

<u>Sr.No.</u>	<u>Case No.</u>
1.	RFA 2133-2002
2.	RFA 2134-2002
3.	RFA 2135-2002
4.	RFA 2136-2002
5.	RFA 2137-2002
6.	RFA 2138-2002
7.	RFA 2139-2002
8.	RFA 2493-2002
9.	RFA 4476-2003

17.04.2026
sanjay

(HARKESH MANUJA)
JUDGE