



FAO Nos.1798 & 994 of 1995 (O&M)

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

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FAO No.1798 of 1995 (O&M)

Date of decision: 13.02.2026

SMT. HARDEEP KAUR AND ANR.

...APPELLANTS

VS

UNION OF INDIA AND ANR.

...RESPONDENTS

2.

FAONo.994 of 1995 (O&M)

UNION OF INDIA

.....APPELLANT

Vs

PREET MOHINDER SINGH ETC.

....RESPONDENTS

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Akash Chaudhary, Advocate
(*Amicus curiae* appointed by the Court)
for the appellants in FAO No.1798 of 1995.

Mr. Vinod Kumar Handa, Advocate
for the respondent/Union of India.

Mr. Vinod Kumar, Advocate
(*Amicus curiae* appointed by the Court)
for the respondent/landowner(s).

HARKESH MANUJA, J. (Oral)

[1]. Vide this common order, FAO Nos.1798 and 994 of 1995 (O&M) are being decided as both the appeals involve identical facts and question of law. For the sake of brevity, facts are being taken from FAO No.1798 of 1995.

[2]. By way of present appeal, challenge has been laid to the Award dated 08.09.1994 passed by the learned Addl. District Judge, Ludhiana (hereinafter to be referred as the 'Reference Court').

[3]. Briefly stating, in the present case, certain land owned by the appellants/landowners was requisitioned on 09.03.1987 under the Requisitioning and Acquisition of Immovable Property Act, 1952 w.e.f. 09.03.1950. The Award



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was passed on 18.04.1991, determining the market value of the acquired land @ Rs.1,39,870/- per acre.

[4]. Being aggrieved thereof, the appellants/landowners sought arbitration. The learned Arbitrator-cum-Additional District Judge, Ludhiana, vide award dated 08.09.1994, determined and reassessed the market value @ Rs.140/- per square yard. The relevant observations made by the learned Arbitrator from Para No.27 of the award are extracted hereunder:-

“So, taking into consideration all these facts, the utility, potentiality, proximity of the acquired land to the other adjoining land, I deem it fit to fix the rate of the acquired land situated in Village Daba to the tune of Rs.210/- per square yard. Deduction at the rate of 33% for evaluation of the larger plot as compared to small plots of land is required in the light of number of authorities as quoted by the learned counsel for the respondents which even did not stood controverted by the learned counsel for the claimants. So, I fix value at the rate of Rs.210 per square yard after deducting 1/3rd value being the larger area, to be Rs.140/- per square yard and it appears to be quite reasonable also.”

[5]. Dis-satisfied with the Award passed by the learned Reference Court, the present appeals were preferred at the instance of landowners as well as respondent/Union of India.

[6]. I have heard learned counsel for the parties and gone through the paper book as well as records of the case(s).

[7]. In the humble opinion of this Court, once the learned Arbitrator went on to hold that the acquired land falling in Village Daba formed part of fully developed area of Municipal Corporation of Ludhiana besides being located at National Highway No.1 and as per the material on record the acquired parcel was surrounded by various industrial as well as commercial units besides residential complexes also, in such circumstances, the learned Arbitrator had no reason to

apply deduction of 1/3rd over the market price of Rs.210/- per sq. yard and to reduce the said figure to Rs.140/- per sq. yard. In the fact of the present case, the acquired land parcel was located in the vicinity which was fully developed with all basic infrastructural amenities existing at the spot, as such the deduction of 1/3rd applied by the learned Arbitrator was wholly un-called for and, therefore, liable to be set aside.

[8]. Consequently, in view of the discussion made herein above, the appeal preferred at the instance of appellants-landowners is hereby partly allowed by determining the market value in their favour @ Rs.210/- per sq. yard with all other statutory benefits and interest thereupon and the appeal filed by the respondent-Union of India, thus dismissed.

[9]. 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.

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

February 13, 2026
Atik

(HARKESH MANUJA)
JUDGE

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