2026:PHHC:059462

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

FAO-2177-2000 (O&M)
Decided on:-17.04.2026

Dalbara Singh ....Appellant.

vs.

The competent Authority (exercising powers of Special Land Acquisition Collector, Jalandhar) and another ...Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Anmoldeep Singh, Advocate and
Mr.Utsav Singh Bains, Advocate
for the appellant.

Mr. Gunjan Mehta, Addl. A.G., Punjab,
for respondent No.1.

None for respondent No.2.

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HARKESH MANUJA J. (Oral)

1. By way of present appeal, challenge has been laid to an Award dated 15.03.2000 passed by the Learned Arbitrator-cum-District Judge, Ludhiana, whereby the petition under Section 8 Rule 9(5) of the Requisitioning and Acquisition of Immovable Property Act, 1952 ***(for short, "1952 Act")*** preferred at the instance of appellant-landowner, was partly allowed.

2. At the outset, learned counsel for the appellant submits that the present appeal is squarely covered by a decision dated 05.07.2006 passed by this Court in a bunch of appeals, lead case of which was FAO-269-1995, titled as ***"Dr. Jagdish Parkash vs. The Competent Authority,"*** whereby, the

market value of the acquired land situated in the revenue estate of villages Dholewal, Sherpur Khurd, Sherpur Kalan, Dhaba and Gill notified under the provisions of the 1952 Act, was re-assessed @ 390/- per square yard. The relevant portion of the judgment passed in ***Dr. Jagdish Parkash's case (supra)*** is reproduced hereunder:-

> *"I cannot lose sight of one important aspect that land has to be acquired by the government in a bigger lot as the same is dependent upon the public purpose for which the land has to be utilised. However, the owner of the land may own less or more, that has never been taken into consideration by the Arbitrator. For example, if the land owned by a particular owner is say 20 marlas or 35 marlas whereas the sale instance pertains to 11 marlas or may be 22 marlas, the rate would be applicable and deducible by applying the principles accordingly. No doubt the land of small chunk would also have to be acquired by the Government as the area needed by the Government for a particular public purpose may be much larger than the area owned by a particular owner. Such deductions would have to be applied if the area owned by each owner is examined accordingly. This exercise has not been made by the Arbitrator nor any one has projected the rule in this regard. Thus, the rule of deduction of 33% from the rate accepted by the Arbitrator is not sustainable under law. Resultantly, the appeal is partly accepted to the extent that the rate fixed shall be Rs.390/- per square yard and not Rs.260/- per square yard."*

3 On the other hand, learned counsel representing the respondents is not in a position to controvert the above factual position.

4. After going through the judgments passed in ***Dr.Jagdish Parkash's case (supra)*** as well as the facts of the present case, this Court agrees with the assertion of the learned counsel for the appellant.

5. Consequently, the present appeal is disposed of in the same terms

as ***Dr. Jagdish Parkash's case (supra)*** and the appellant is held entitled for similar amount of compensation @ Rs.390/- per acre as has been awarded to other similarly situated landowners along with all statutory benefits and interest under the 1952 Act.

6. Pending application, if any, also stand disposed of.

17.04.2026 **(HARKESH MANUJA)**
sonika **JUDGE**

(i)Whether speaking/reasoned: Yes/No
(ii) Whether reportable: Yes/ No