

RFA No.2351 of 1995 (O&M)

2026:PHHC:014679



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

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RFA No.2351 of 1995 (O&M)
Date of Decision: 02.02.2026

GIRDHARA SINGH (DECEASED) TH. HIS LRAppellant
Vs
PUNJAB STATE THROUGH COLLECTOR, HOSHIARPUR AND ORS.
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Arnav Sood, Advocate with
Mr. Manpreet Singh, Advocate for the appellant/landowner.

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

HARKESH MANUJA, J. (Oral)

CM No.4491-C of 2025

Prayer made in the application is for impleading the applicant(s)
Executive Engineer, Provincial Division PWD (B&R) Branch Hoshiarpur as
respondent No.2 in place of Executive Engineer, B&R, Hoshiarpur.

Notice of the application.

Learned State counsel accepts notice and does not oppose the prayer
made in the present application.

Upon hearing learned counsel for the parties and for the reasons
mentioned in the application, the same is allowed, subject to all just exceptions.

Amended memo of parties be taken on record.

RFA No.2351 of 1995 (O&M)

[1]. By way of present appeal(s), challenge has been laid to the Award
dated 08.05.1995 passed by the learned Addl. District Judge, Hoshiarpur
(hereinafter to be referred as the 'Reference Court').



[2]. Briefly stating, in the present case(s), land measuring 05 Kanals 18 Marlas situated within the revenue estate of village Shergarh, Tehsil and District Hoshiarpur came to be acquired vide Notification dated 07.01.1989 issued under Section 4 of the Land Acquisition Act, 1894 (for short the '1894 Act'). An Award under Section 11 of the 1894 Act was passed by the Land Acquisition Collector (for short 'the LAC') on 18.11.1992, thereby determining the market value of the acquired land @ 51,358/- per acre.

[4]. Aggrieved thereof, the appellant-landowner invoked Reference under Section 18 of the 1894 Act, which came to be partly allowed by the learned Reference Court vide its award dated 08.05.1995, granting enhanced compensation @ Rs.74,400/- per acre besides awarding all other statutory benefits/interest in his favour under the 1894 Act. However, no enhancement was granted towards fruit bearing trees existing over the acquired land. Dis-satisfied with the Award passed by the learned Reference Court, the present appeal was preferred at the instance of landowner.

[5]. 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 on behalf of the appellant/landowner.

[6]. A perusal of the impugned award shows that upon appreciation of evidence available on record in the form of RW-1 and also having considered the location and potential of the acquired land being in the close proximity of one Ram Colony Camp as well as Petrol Pump, the learned Reference Court has rightly assessed market value @ Rs.74,400/- per acre in favour of the appellant/landowner. Thus in the given facts, no interference is called for to the said determination.



[7]. Further, taking into the account the fact that the learned Reference Court has assessed the market value with respect to the trees standing over the acquired land in terms of report dated 10.05.1993 (Ex.R-5) which was proved on record by Sh. Jaswinder Singh, Horticulture Development Officer, who appeared as RW-2, the appellant/landowner is held entitled for the market value of the trees standing over the acquired land by taking into account the number of trees and age as per report Ex.R-5, however the evaluation be done in terms of the formula prepared by Dr. Nijjer (Director of Horticulture Department, Government of Punjab, Chandigarh). Further considering the fact that Dr. Nijjer's formula was prepared in May, 1985 whereas the acquisition proceedings in the present case were initiated vide notification dated 07.01.1989, thus the assessment of compensation should be carried out by giving appropriate increase from May 1985 to 07.01.1989, after applying the difference of the percentage of appreciation of price index prevailing at the relevant point in time.

[8]. The aforementioned formula of increase based on the application of price index, given in favour of landowners was even approved by this Court vide decision dated 02.08.2012 passed in **RFA No.3478 of 1992** in case of **"Kartar Singh and Karnail Singh sons of Shri Kesar Singh son of Shri Kesar Singh successor in interest of late Shri Kesar, both residents of Village Hardosaran, Tehsil Pathankot Vs. Punjab State through Collector Gurdaspur and Others"**.

Relevant para thereof is reproduced hereunder:-

"The appeal is for enhancement of compensation for value of the trees which were lost to the owner by the acquisition of land. The grievance expressed is that the Reference Court had accepted the valuation of the trees made as per the formula called 'Dr. Nijjar's formula' for assessing the trees for the year 1985. The learned counsel for the appellants would argue that in Punjab Small Industries and Export Corporation Limited Versus Zail



Singh in RFA No.1907 of 2002, decided on 28.09.2010, this Court had factored the increase for assessment of value of trees for the subsequent years by taking note of the increase in price index. In this case, the learned counsel argues that as against the valuation made as per Dr. Nijjar's formula of the year 1985, the price index had gone from 127 points to 150 points in 1987. This, according to him, would mean an increase of 23% over the price assessed by the application of Dr. Nijjar's formula.

2. I adopt the valuation and would provide for 23% increase on the valuation made as per the application of Dr. Nijjar's formula.....”

[9]. This Court, even in case of Union of India and another versus Pritam Singh, 2004(4) RCR (Civil) 5, under similar facts and circumstances, upheld the increase based on difference of the wholesale price index. In the present facts, undisputedly, between 1985-1989, there had been appropriate increase in the price index which had gone from 127.2 points to 165.7 points, thereby making an increase of around 30.27% over the price assessed by Dr. Nijjer in its formula dated 15.05.1985.

[10]. Accordingly, in view of the discussion made hereinabove, the impugned award dated 08.05.1995, passed by the learned Reference Court is modified and the present appeal is partly accepted only to the extent that based on the appreciation of price index between 1985 to 1989, the appellant-landowner shall be entitled for increase of 30.27% over and above the amount assessed as per formula prepared by Dr. Nijjer, towards compensation for the fruit bearing trees by taking number and age as per report Ex.R-5, besides award of all other statutory benefits and interests provided under the 1894 Act.

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

February 02, 2026
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(HARKESH MANUJA)
JUDGE

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