

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA-1564-1996

Jasbir Singh (since deceased)
through his LRs & Ors.

.... Appellants

Vs.

State of Haryana through its Secretary & Ors.

.... Respondents

RFA-14-1996

Chander Bhan

.... Appellant

Vs.

State of Haryana through its Secretary & Ors.

.... Respondents

RFA-123-1996

Punjab Wakf Board Ambala Cantt.

.... Appellant

Vs.

State of Haryana through its Secretary & Ors.

.... Respondents

CR-8835 of 2015

Haryana Wakf Board Ambala Cantt.

.... Petitioner

Vs.

State of Haryana through its Secretary & Ors.

.... Respondents

Reserved on: 07.05.2026

Pronounced on: 11.05.2026

Pronounced fully/ Operative part: Fully

CORAM: HON’BLE MR JUSTICE DEEPAK GUPTA

RFA-1564-1996 & other connected cases

Argued by: - Mr. Susheel Gautam, Advocate for the appellants
In RFA No. 1564 of 1996 and for respondents No.3 to 6
In CR-8835 of 2015.

Mr. J.S. Bhatia, Advocate for
appellant in RFA No. 123 of 1996.

Mr. Ghulam Nabi Malik, Advocate
For the petitioner in CR No. 8835 of 1996.

None for appellant in RFA No. 14 of 1996.

Mr. Gaurav Garg, AAG Haryana for
Respondents No.1 and 2 in RFA No. 1564 of 1996,
RFA No. 14 of 1996, RFA No. 123 of 1996 and
CR No. 8835 of 2015.

Mr. R.S. Bedi, Advocate for
Respondent No.3 in RFA No. 1564 of 1996.

Mr. Manoj K. Sharma, Advocate for
Respondent No.3 in RFA No. 14 of 1996.

DEEPAK GUPTA, J.

Present three Regular First Appeals and one Civil Revision arising out of the same acquisition proceedings and involving common questions of fact and law.

2. Since interconnected issues regarding determination of market value and apportionment of compensation are involved, all the matters are being decided together by this common judgment.

3. The acquisition proceedings emanate from Notification dated 23.10.1989 issued under Section 4 of the Land Acquisition Act, 1894 (for short, "the Act"), followed by declaration dated 22.10.1990 under Section 6 of the Act, whereby the State of Haryana acquired different parcels of land situated in the revenue estates of villages Taraf Afghan and Sarai Pilkhan, District Panipat, for the public purpose of development and utilization of land as industrial, commercial and transport area in Sector 25 Part-II, Panipat. The acquired land was classified into different categories depending upon its nature and location. The Land Acquisition Collector awarded compensation

RFA-1564-1996 & other connected cases

ranging from ₹60,800/- to ₹1,65,200/- per acre according to the categories of land.

4. Dissatisfied with the compensation awarded by the Collector, various landowners and interested persons sought references under Section 18 of the Act. One such reference pertained to land in possession of Jasbir Singh and others, who were admittedly tenants under the Punjab Wakf Board. They sought enhancement of compensation and also claimed entitlement to the entire compensation amount. Consequently, reference was forwarded under Sections 18 and 30 of the Act for adjudication not only on the question of market value but also regarding apportionment of compensation between the tenants and the Punjab Wakf Board.

5. The aforesaid reference, registered as *LAC No.225 of 1991*, came to be decided by the learned Additional District Judge, Panipat on 20.03.1996. The learned Reference Court assessed the market value of the acquired land at ₹81/- per square yard along with all statutory benefits admissible under the Act. The Court further awarded additional damages at the rate of 6% per annum for the period from 30.08.1977 to 14.08.1982, during which the land had remained under continuous acquisition proceedings. On the issue of apportionment, the Reference Court held Punjab Wakf Board entitled to 75% of the compensation amount and the Jasbir Singh and others entitled to the remaining 25%.

6. Another reference pertained to land in possession of Chander Bhan, who was also occupying the land as a tenant under the Punjab Wakf Board. The learned Reference Court, while deciding *LAC No.250 of 1991* vide award dated 28.09.1995, determined the market value at the same rate of ₹81/- per square yard along with all statutory benefits. However, insofar as apportionment was concerned, Chander Bhan was held entitled to 33% of the compensation amount, whereas 67% share was awarded in favour of the Punjab Wakf Board.

7. The award dated 20.03.1996 passed in *LAC No.225 of 1991* gave rise to **RFA No.1564 of 1996** filed by Jasbir Singh and others seeking further

RFA-1564-1996 & other connected cases

enhancement of compensation as well as claiming exclusive entitlement to the compensation amount. Likewise, against the award dated 28.09.1995 passed in LAC No.250 of 1991, two appeals came to be preferred. **RFA No.14 of 1996** was filed by Chander Bhan seeking enhancement and exclusive entitlement to compensation, whereas **RFA No.123 of 1996** was filed by the Punjab Wakf Board claiming higher compensation and greater share in apportionment.

8. During pendency of the present matters, this Court, in connected appeals arising out of the same acquisition notification, finally determined the market value of the acquired land at ₹147/- per square yard. The said determination attained finality and governs all acquisitions covered under the same notification.

9. Subsequently, the Punjab Wakf Board initiated execution proceedings claiming compensation at the enhanced rate of ₹147/- per square yard together with statutory benefits on the strength of the award dated 20.03.1996 passed in LAC No.225 of 1991. However, the execution application was dismissed by the learned Additional District Judge, Panipat vide order dated 28.07.2015, which has led to filing of **CR No.8835 of 2015** before this Court.

10. It has further been noticed that during pendency of the proceedings, appellant Chander Bhan in RFA No.14 of 1996, who was also respondent in RFA No.123 of 1996, expired. Notices were issued to his legal representatives. Despite service having been effected upon family members, none chose to appear to contest the proceedings.

11. Learned counsel appearing for the respective parties have been heard at length and the record has been carefully examined.

12. There is no dispute inter se the parties insofar as determination of market value is concerned. Learned counsel appearing for all sides fairly concede that the controversy regarding valuation already stands concluded by judgment of this Court rendered *in RFA No.19 of 1995 titled Gulab Singh v. State of Haryana and others*, decided on 24.07.2008, whereby

RFA-1564-1996 & other connected cases

compensation for land acquired under the same notification was finally assessed at ₹147/- per square yard along with all statutory benefits, including additional compensation at the rate of 12% per annum for the period from 30.08.1977 to 14.12.1982. In view of the settled principle that similarly situated landowners covered by the same notification are entitled to parity in compensation, the appellants herein cannot be denied the benefit of the aforesaid determination.

13. The principal controversy surviving for adjudication pertains to apportionment of compensation between the tenants and the Punjab Wakf Board. Learned counsel appearing on behalf of the Punjab Wakf Board submits that being the owner of the acquired land, the Wakf Board is entitled to the predominant share of compensation. Reliance has been placed upon the judgment of the Hon'ble Supreme Court in ***Haryana Wakf Board vs. State of Haryana and others, 2019 (13) SCC 382***, wherein the rights of tenants vis-à-vis the Wakf Board in similar acquisition matters were considered. It is contended that the Wakf Board is entitled to 90% of the compensation amount, which view has also been followed by this Court in ***RFA No.1487 of 1996*** titled ***Punjab Wakf Board Ambala Cantt. v. State of Haryana and others, decided on 29.09.2025***.

14. Per contra, learned counsel appearing for Jasbir Singh and others contends that the Reference Court rightly appreciated the nature and extent of possession enjoyed by the tenants and, therefore, correctly awarded 25% share in their favour. It is argued that the tenants had been in long settled possession and were deriving substantial benefits from the land, thus justifying a larger proportion of compensation.

15. Having considered the rival submissions, this Court finds that the issue regarding apportionment between the Punjab Wakf Board and its tenants is no longer res integra. The Hon'ble Supreme Court in ***Haryana Wakf Board vs. State of Haryana (supra)*** authoritatively held that in acquisition cases involving Wakf property, the ownership rights vest substantially in the Wakf Board and tenants ordinarily cannot claim compensation disproportionate to their tenancy rights. The tenant's entitlement is confined

RFA-1564-1996 & other connected cases

to compensation relatable to loss of tenancy and possessory rights, whereas the dominant share necessarily follows title. The aforesaid principle has consistently been applied by this Court in subsequent matters arising from identical acquisition proceedings.

16. In the light of the law laid down by the Hon'ble Supreme Court and keeping in view the admitted status of Jasbir Singh etc. and Chander Bhan merely as tenants under the Punjab Wakf Board, this Court is of the considered opinion that the apportionment made by the Reference Court granting 25% and 33% shares respectively to the tenants cannot be sustained. The Punjab Wakf Board, being the owner of the acquired land, deserves the major share of compensation. Accordingly, the Punjab Wakf Board is held entitled to 90% of the compensation amount, whereas the remaining 10% shall be payable to the respective tenants towards extinguishment of their tenancy and possessory rights.

17. Consequently, **RFA No.1564 of 1996** and **RFA No.14 of 1996** filed by the tenants seeking exclusive entitlement and further enhancement are partly allowed only to the extent that compensation shall stand enhanced to ₹147/- per square yard with all statutory benefits in terms of judgment rendered in ***Gulab Singh's case (supra)***. However, their claim regarding larger apportionment is rejected.

18. **RFA No.123 of 1996** filed by the Punjab Wakf Board is allowed to the extent that the Wakf Board shall be entitled to 90% of the total compensation amount along with proportionate statutory benefits, whereas the remaining 10% shall be payable to the concerned tenants.

19. In view of the aforesaid determination, the order dated 28.07.2015 passed by the learned Additional District Judge, Panipat dismissing the execution application filed by the Punjab Wakf Board cannot be sustained.

20. Since the enhanced compensation already stands judicially determined by this Court for land acquired under the same notification, the executing Court was bound to extend the benefit thereof. Consequently, **CR**

RFA-1564-1996 & other connected cases

No.8835 of 2015 is allowed, the impugned order is set aside and the executing Court is directed to recalculate and release the compensation in terms of the present judgment.

21. All pending miscellaneous applications, if any, also stand disposed of accordingly.

11.05.2026
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(DEEPAK GUPTA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>

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