IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105

RFA No.2347 of 1998 (O&M)
Date of Decision: 20.02.2026

GURBACHAN SINGH AND ORS. ......Appellants
Vs
STATE OF PUNJAB THROUGH COLLECTOR, HOSHIARPUR AND ORS.
...Respondent(s)

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

Present: Mr. G.S. Jaswal, Advocate
for the appellants.

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

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HARKESH MANUJA, J. (Oral)

[1]. By way of present appeal, challenge has been laid to the Award dated 02.04.1998 passed by the learned Addl. District Judge, Hoshiarpur (hereinafter to be referred as the 'Reference Court').

[2]. Briefly stating, in the present case, land measuring 3 Kanals situated within the revenue estate of village Pur-Hiran, Hadbast No.251, Tehsil and District Hoshiarpur, came to be acquired vide Notifications dated 04.06.1993 and 11.06.1993 issued under Sections 4 & 6 of the Land Acquisition Act, 1894 (for short the '1894 Act') respectively for the public purpose namely for *"construction of Ring Road Phase II (Group III) connecting Mahilpur-Hoshiarpur and Hoshiarpur-Phagwara Road."* Award under Section 11 of the 1894 Act was passed by the Land Acquisition Collector (for short 'the LAC') on 09.06.1995, thereby determining the market value of the acquired land as under:-

"Kind of land	Rate per acre
Chahi	*Rs.98240/- per acre*

Barani	*Rs.63,280/- per acre*
Gair Mumkin Rasta	*Rs.63,280/- per acre"*

[3]. Aggrieved thereof, the appellants-landowners invoked Reference under Section 18 of the 1894 Act, which came to be partly allowed by the learned Reference Court vide its award dated 02.04.1998, while granting them enhanced compensation @ Rs.1,16,000/- per acre for *chahi* land besides awarding all other statutory benefits/interest in their favour under the 1894 Act. Dis-satisfied with the Award passed by the learned Reference Court, the present appeal was preferred at the instance of landowners.

[4]. Impugning the aforesaid Award, learned counsel for the appellants/landowners submits that the learned Reference Court went wrong having discarded the sale deeds dated 02.11.1992 (Ex.A-3) and 10.08.1992 (Ex.A-4) which were both pertaining to the same revenue estate of village Pur-Hiran. Learned counsel further submits that based on the aforesaid evidence, the market value of the acquired land was required to be re-determined and the present appeal was, thus liable to be allowed.

[5]. On the other hand, learned State counsel submits that there is no illegality or perversity with the findings recorded by the learned Reference Court having ignored the sale deeds dated 02.11.1992 (Ex.A-3) and 10.08.1992 (Ex.A-4). Learned State counsel points out that since the location of the land parcels forming part of aforementioned sale deeds in comparison to the land under acquisition was not established on record, as such the said sale transactions were not to be relied upon for the purposes of determination of market value and thus, the impugned Award passed by the learned Reference Court calls for no interference.

[6]. I have heard learned counsel for the parties and gone through the paper book as well as records of the case(s). I find substance in the submissions made on behalf of the appellants/landowners.

[7]. A perusal of the records shows that in the present case vide Notifications dated 04.06.1993 and 11.06.1993 issued under Sections 4 & 6 of the Land Acquisition Act, 1894 (for short the '1894 Act') respectively, 03 Kanals of land forming part of village Pur-Hiran, Hadbast No.251, Tehsil and District Hoshiarpur was acquired for the public purpose namely for construction of Ring Road Phase II (Group III) connecting Mahilpur-Hoshiarpur and Hoshiarpur-Phagwara Road. In order to prove their claim, the appellants/landowners proved on record the following sale deeds:-

Exhibit	Date of sale	Area	Sale consideration	Price per acre	Village
A-3	02.11.1992	1 Kanal	Rs.30,000/-	Rs.2,40,000/-	Pur-Hiran
A-4	10.08.1992	1 Kanal	Rs.50,000/-	Rs.4,00,000/-	Pur-Hiran

[8]. No doubt, the appellants/landowners did not produce any site plan to establish the comparative location and proximity of the land parcels forming part of the sale instances Ex.A-3 and Ex.A-4 in relation to the acquired land parcel. However, a perusal of the records reflects that the land forming part of the both sale instances Ex.A-3 and Ex.A-4 was related to the same revenue estate of village Pur-Hiran. Furthermore, the land parcels sold vide sale deed dated 02.11.1992 (Ex.A-3) was part of Rectangle No.30/R; whereas the land parcel alienated vide sale deed dated 10.08.1992 (Ex.A-4) was part of Rectangle No.22. In such circumstances, this Court cannot loose sight of the fact that the land parcels forming part of the aforementioned sale instances were not located far off the

acquired land which was part of Rectangle Nos.58 & 59 and as such, the learned Reference Court was required to rely upon the sale instances Ex.A-3 and Ex.A-4.

[9]. Although the determination of market value in the present case relates to the revenue estate and not regarding any town or city, yet as a matter of abundant caution so as to account for the distance between the land parcels forming part of sale instance dated 10.08.1992 (Ex.A-4) which needs to be relied upon being the sale transaction fetching the highest price; a cut @ 20% is applied over the price per acre derived therefrom. Accordingly, the market value of the acquired land as on the date of notification under Section 4 of the 1894 Act, comes to Rs.3,20,000/- per acre.

[10]. In the present case, no deduction towards smallness of the land parcel forming part of Ex.A-4 is required to be applied as the same relates to 01 *Kanal* of land and the total acquired land is nearly 03 *Kanals*. Further, in the given facts since the acquisition in the case(s) in hand has been carried out for the public purpose, namely for the construction of Ring Road Phase II (Group III) connecting Mahilpur-Hoshiarpur and Hoshiarpur-Phagwara Road and as such, the respondents did not suffer any loss towards optimum utilization of the area acquired and also did not incur expenditure towards providing of additional infrastructural amenities no cut towards development costs needs to be imposed.

[11]. Accordingly, in view of the discussion made herein above, the appeal preferred at the instance of appellants-landowners is hereby partly allowed and the market value for the land under acquisition is assessed @ Rs.3,20,000/- per acre as on the date of notification under Section 4 of the 1894 Act. In addition, the landowners shall also be entitled for award of all statutory benefits and interest as provided under the provisions of the 1894 Act (amended upto date). The

landowners shall also be entitled for solatium @ 30% besides award of interest thereupon.

[12]. 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.

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

(HARKESH MANUJA)
JUDGE

February 20, 2026
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No