

2026:PHHC:012272



RFA Nos.946 & 1172 of 2000 (O&M)

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

126

1.

RFA No.946 of 2000 (O&M)

Date of Decision: 28.01.2026

Sadhu Singh

.....Appellant(s)

Vs

State of Punjab

....Respondent(s)

2.

RFA No.1172 of 2000 (O&M)

Dilbagh Singh and ors.

.....Appellant(s)

Vs

State of Punjab

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Nitish Kaushal, Advocate
for the appellant(s).

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

HARKESH MANUJA, J. (Oral)

[1]. Vide this common order, both the aforementioned Regular First Appeals are being decided as the same have arisen out of common acquisition/Award involving identical facts and question of law. For the sake of brevity, facts are being taken from RFA No.946 of 2000.

[2]. By way of present appeal, challenge has been laid to an award dated 06.03.2000 passed by the learned Additional District Judge, Rupnagar (hereinafter to be referred as "Reference Court).

[3]. Briefly stating, the land owned by the appellant, situated within the revenue estate of village Kumbra, Teshil Kharar, District Ropar (now District SAS Nagar (Mohali) came to be acquired vide Notifications dated 13.03.1991 and 09.07.1991 issued under Sections 4 & 6 of the Land Acquisition Act, 1894 (for



RFA Nos.946 & 1172 of 2000 (O&M)

short the '1894 Act') respectively for public purpose, namely National Institute of Pharmaceutical Education and Research. The Land Acquisition Collector vide Award dated 09.03.1992, awarded a sum of Rs.4,21,064/- on account of compensation towards non-fruit bearing trees and Rs.3,23,275/- towards fruit bearing trees existing over the acquired land.

[4]. Aggrieved thereof, the appellant(s)-landowner(s) invoked reference under Section 18 of the 1894 Act, seeking enhancement of compensation. The learned Reference Court vide the impugned Award dated 06.03.2000 awarded compensation to the tune of Rs.12,350/- in favour of appellant-Sadhu Singh and Rs.37,250/- in favour of appellant-Dilbagh Singh on account of assessment made against the fruit bearing trees and non-fruit bearing trees. Dis-satisfied with the decision of the learned Reference Court, the present appeals were preferred at the instance of landowners.

[5]. Impugning the aforementioned award, learned counsel for the appellant relies upon decision dated 21.11.2023 passed by this Court in case bearing RFA No.4473 of 1998 titled 'Shri Avtar Singh vs. The State of Punjab and others' to submit that once the evaluation of compensation by the Reference Court was based on formula dated 15.05.1985 prepared by Dr. G.S. Nijjer, Director Horticulture Department, Government of Punjab, Chandigarh, an increase in consonance with the hike in price index w.e.f. the date of formula i.e. 15.05.1985 till the date of notification under Section 4 of 1894 Act in the present case was required to be granted in favour of the appellants/landowners.



RFA Nos.946 & 1172 of 2000 (O&M)

[6]. On the other hand, learned State counsel submits that a well-reasoned and justified Award had been passed by the learned Reference Court upon appreciation of the pleadings and the evidence available on record which, thus it calls for no interference and, therefore, he prays for dismissal of the appeal(s) preferred at the instance of the appellants/landowners.

[7]. I have heard learned counsel for the parties and gone through the paperbook. I find substance in the submissions made on behalf of the appellants.

[8]. In the present case, acquisition proceedings were carried out vide notification dated 13.03.1991 issued under Section 4 of the 1894 Act whereas the compensation qua the fruit bearing trees was undisputedly assessed by the Land Acquisition Collector vide its award dated 09.03.1992 on the basis of the formula dated 15.05.1985 prepared by Dr. G.S. Nijjer, the then Director Horticulture Department, Government of Punjab, Chandigarh. In such circumstances, an increase in proportionate to the hike in price index from 1985 to 1991 was required to be awarded in favour of the appellants/landowners. 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



RFA Nos.946 & 1172 of 2000 (O&M)

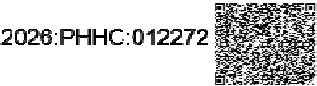
trees made as per the formula called 'Dr. Nijjar's formula' for assessing the trees for the year 1985. The learned counsel for the appellants would argue that in Punjab Small Industries and Export Corporation Limited Versus Zail Singh in RFA No.1907 of 2002, decided on 28.09.2010, this Court had factored 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 1985-1991, there had been appropriate increase in the price index which had gone from 127.2 points to 207.8 points, thereby making an increase of around 80% over the price assessed by Dr. Nijjer in its formula dated 15.05.1985.

[10]. Upon appreciation of the pleadings and evidence available on record, the appellants/landowners are held entitled for award of compensation qua fruit bearing trees as well as non-fruit bearing trees while taking into account their numbers from the records prepared by the respondents and the assessment to be valued in terms of Dr. Nijjar's formula. Accordingly, the impugned award dated 06.03.2000, passed by the Reference Court is modified and both the appeals are

RFA Nos.946 & 1172 of 2000 (O&M)



allowed to the extent that based on the appreciation of price index between 1985 to 1991, the appellants-landowners shall be entitled for increase of @ 80% over and above the amount assessed by the Land Acquisition Collector vide its award dated 09.03.1992 towards compensation for the fruit bearing trees as well as non-fruit bearing trees besides all other statutory benefits and interests provided as admissible under the 1894 Act.

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

January 28, 2026	(HARKESH MANUJA)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No