



RFA No.3303 of 1998 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

109

RFA No.3303 of 1998 (O&M)
Date of Decision: 13.01.2026

STATE OF HARYANA

.....Appellant

Vs

SMT. DAYAL KAUR AND ORS.

....Respondents

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*Present: Mr. Abhinash Jain, D.A.G., Haryana
for the appellant.

HARKESH MANUJA, J. (Oral)

[1]. By way of present appeal, challenge has been laid to an award dated 22.05.1998 passed by the learned Additional District Judge, Ambala-cum-Reference Court.

[2]. Briefly stating, 6.37 acres of land forming part of revenue estate of Village Karwala, Tehsil and District Ambala was sought to be acquired vide notification dated 16.05.1978 issued under Section 4 of the Land Acquisition Act, 1894, (for short 'the Act') for public purpose, namely, construction of Karwal Distributory from RD 9.440 (30971.13ft.) to RD No.17.430 KM (57.185.04 Ft.). Notification under Section 6 of the Act was also issued on 16.05.1978. Award under Section 11 of the Act was passed by the Land Acquisition Collector (for short 'the LAC') on 27.08.1978, whereby market value in respect of the acquired land was assessed @ Rs.12,000/- per acre for *Chahi* and *Abi* land, Rs.9,000/- per acre for *Barani* land and Rs.4,000/- per acre for *gair mumkin land*, besides granting solatium @ 15% per annum.

**RFA No.3303 of 1998 (O&M)**

[3]. Being dissatisfied with the aforesaid award, the respondents/landowners filed reference petition invoking Section 18 of the Act, which came to be accepted by the learned Reference Court while increasing the market value of the acquired land @ Rs.30,000/- per acre along with all statutory benefits, under the Act.

[4]. Aggrieved thereof, the present appeal was preferred at the instance of appellant/State.

[5]. Impugning the aforementioned Award, learned State counsel representing the appellant submits that the learned Reference Court went wrong having relied upon the Award dated 21.03.1984 (Ex.P-1) passed by the learned Reference Court. It is argued that Ex.R-1 and Ex.R-2 produced by the State have wrongly not been considered. Learned State counsel also submits that the reference was time barred as it was filed after a long gap of the passing of Award by the LAC. He thus submits that the Award passed by the learned Reference Court was liable to be set aside by restoring the Award passed by the LAC.

[6]. I have heard learned State counsel and gone through the paper-book as well as records of the case.

[7]. A perusal of the record shows that the learned Reference Court passed the Award while relying upon its previous Award dated 21.03.1984 (Ex.P-1) relating to the same very notification issued under Section 4 of the 1894 Act and pertaining to the same revenue estate of village Karwala Tehsil and District Ambala. It has also been observed by the learned Reference Court that respondents/landowners were not served with any notice under Section 12(2) of the 1894 Act and no opportunity was afforded to them before assessing the value of the land. Further, even the respondents-landowners were never served with any



RFA No.3303 of 1998 (O&M)

copy of Award passed by the Land Acquisition Collector to make them know about the contents thereof. The respondents/landowners came to know about the factum of acquisition only in the year 1992 and, therefore, the reference was within the period of limitation. Accordingly, no interference was called for with the reasoning recorded by the learned Reference Court, in this regard.

[8]. In view thereof and considering the fact that the land in question was acquired way back in the year 1978; the enhanced compensation was merely @ Rs.30,000/- per acre which must have been disbursed to the respondents/landowners, I do not find any merit in the present appeal, the same is hereby dismissed.

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

January 13, 2026
Atik

(HARKESH MANUJA)
JUDGE

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