

2025:PHHC:179777



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

RFA-4275-1998 (O&M)

Decided on:-12.02.2026

Kapur Singh (since deceased) thr. his LRs. ...Appellant.

vs.

State of Punjab ...Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Nitish Kaushal, Advocate for the appellant.

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

HARKESH MANUJA J. (Oral)

1. By way of present appeal, challenge has been laid to an award dated 28.05.1998 passed by the Court of learned Additional District Judge, Rupnagar (for short, “the Reference Court”), whereby reference petition filed at the instance of appellant-landowner invoking Section 18 of the Land Acquisition Act, 1894 (herein-after to be called as “the 1894 Act”), was dismissed.

2. Brief facts of the case are that some land owned by the appellant-landowner, situated in the revenue estate of Village Mataur, Tehsil Kharar, District Ropar was acquired vide notifications dated 20.11.1980 and 08.11.1983 (published on 11.11.1983), issued under Sections 4 & 6 of the 1894 Act, respectively. Vide supplementary award No.428, dated 10.10.1988, the Land Acquisition Collector assessed the compensation with regard to the trees standing over the acquired land.

3. Being dissatisfied, the appellant-landowner filed reference

seeking enhancement of compensation by invoking Section 18 of the 1894 Act, which came to be dismissed vide judgment dated 28.05.1998 passed by the learned Reference Court. Hence, the present appeal.

4. I have heard learned counsel for the parties and gone through the paper book.

5. In the present case, the only dispute relates to the grant of compensation towards trees standing over the acquired land. The learned Reference Court while relying upon the report of RW-2 Bhagwant Singh, Assistant Director Horticulture, Ropar granted the benefit in favour of the appellants-landowners with respect to 04 mango trees, out of which, two of them were the age of 20 years while other two were the age of 25 years with 01 jamun tree of the age of 20 years. However, the learned Reference Court failed to award compensation towards the fuel and timber value of the trees which the appellant-landowner was also entitled for as per law.

6. In view of the aforesaid, the award dated 28.05.1998 passed by the learned Reference Court is modified to the extent that the appellant-landowner shall also be entitled for fuel and timber value as against the aforementioned 05 trees (4 mango trees and 01 jamun tree) as per formula dated 15.05.1985, prepared by Dr. G.S. Nijjer, Director of Horticulture, Government of Punjab, Chandigarh. The appellant-landowner shall also be entitled for all other statutory benefits provided under the 1894 Act.

7. Accordingly, the present appeal is partly allowed.

8. Pending application(s), if any shall also stand disposed of.

12.02.2026
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(HARKESH MANUJA)
JUDGE

(i) Whether speaking/reasoned:

Yes/No

(ii) Whether reportable:

Yes/ No