



RFA Nos.2034 & 2035 of 2001 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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1.

RFA No.2034 of 2001 (O&M)
Date of Decision: 11.03.2026

STATE OF PUNJAB AND ORS.
Vs
CHAIN SINGH AND OTHERS

.....Appellants

...Respondent(s)

2.

RFA No.2035 of 2001 (O&M)

STATE OF PUNJAB AND ORS.
Vs
GIRDHARI GIR CHELA SHRI HARNAM GIR

.....Appellants

...Respondent(s)

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

Present: Mr. Gunjan Mehta, Addl. A.G., Punjab
for the appellant(s).

None for the respondents.

HARKESH MANUJA, J. (Oral)

- [1]. By way of present appeal, challenge has been laid to the Award dated 20.09.2000 passed by the learned Addl. District Judge, Gurdaspur (hereinafter to be referred as the ‘Reference Court’).
- [2]. Briefly stating, in the present case(s), certain land owned by the respondents/landowners, situated within the revenue estate of village Sidhauri, Tehsil Pathankot, District Pathankot, came to be acquired vide Notification dated 27.12.1993 issued under Sections 4 of the Land Acquisition Act, 1894 (for short the ‘1894 Act’) for the public purpose, namely “*for the construction of Hydel Channel*”. Award under Section 11 of the 1894 Act was passed by the Land Acquisition Collector (for short ‘the LAC’) on 29.01.1997, whereby market value of the acquired land was assessed @ Rs.32,000/- per acre for *Barani-I* and

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Bagicha-I, Rs.30,000/- per acre for *Barani-II* and Rs.16,000/- per acre for *Gair Mumkin* along with all other statutory benefits and interests provided under the 1894 Act.

[3]. Dissatisfied with the Award passed by the LAC, the appellant(s)/landowner(s) invoked Reference under Section 18 of the 1894 Act, which came to be partly allowed by the learned Reference Court vide its award dated 20.09.2000, while granting them enhanced compensation @ Rs.1,000/- per *marla* for all kinds of *Barani* land besides awarding all other statutory benefits/interest in their favour under the 1894 Act. Aggrieved thereof, the present appeals were preferred at the instance of the appellants/State of Punjab.

[4]. Impugning the aforesaid Award, learned State counsel submits that the learned Reference Court erred having relied upon the Award dated 11.01.1999 (Ex.A-2) for the purposes of determination of market value in the case(s) in hand.

[4.1]. Learned State counsel further submits that the date of notification under Section 4 of the 1894 Act in relation to the Award dated 11.01.1999 (Ex.A-2) was 19.11.1993, whereas the acquisition in the present case(s) commenced vide notification dated 27.12.1993 issued under Section 4 of the 1894 Act and thus, there was no similarity in the two acquisitions. He, therefore, submits that the impugned judgment was liable to be set aside and the Award passed by the LAC was to be restored.

[5]. No one has put in appearance on behalf of the respondents. I have heard learned State counsel and gone through the paper book as well as records of the case(s). I am unable to find substance in the submissions made on behalf of the appellants/State.

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[6]. A perusal of the records shows that vide two separate notifications dated 19.11.1993 and 27.12.1993 issued under Section 4 of the 1894 Act, some land forming part of revenue estate of village Sidhauri, Tehsil Pathankot, District Pathankot was acquired for the public purpose, namely, “*for the construction of Hydel Channel*”. The landowners pertaining to the previous acquisition in terms of notification dated 19.11.1993 sought reference under Section 18 of the 1894 Act which came to be decided in terms of Award dated 11.01.1999 (Ex.A-2) and the market value was assessed @ Rs.1000/- per marla for Barani land and Rs.200/- per marla for *gair mumkin* land.

[7]. The learned Reference Court in the present case(s) while dealing with the determination of market value in terms of the subsequent acquisition vide notification dated 27.12.1993 under Section 4 of the 1894 Act (approximately a month after the previous acquisition), pertaining to the same revenue estate of village Sidhauri relied upon the determination made in terms of notification dated 19.11.1993 under Section 4 of the 1894 Act and consequently, granted benefit of the same market value, considering that both the acquisitions related to the same revenue estate of village Sidhauri Tehsil Pathankot, District Pathankot and there was a difference of around one month only between the two notifications under Section 4 of the 1894 Act.

[8]. In view of above, the grant of the same market value by the learned Reference Court pertaining to the aforementioned two notifications issued under Section 4 of the 1894 Act, cannot be said to be unjustified or unfair. The learned Reference Court, thus having passed the award based on proper appreciation of material evidence available on record, therefore, calls for no interference in the

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present appeals, as such both the appeals are found to be devoid of merit and thus, dismissed.

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

March 11, 2026
Atik

(HARKESH MANUJA)
JUDGE

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