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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Revision No. 3369 of 2026 (O&M)
Date of Decision: 05.05.2026

Gopal Krishan alias Gopal Tayal and others

.... Petitioners

Versus

The Collector, Land Acquisition and Colonization Department, Punjab, Chandigarh and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Parvez Chugh, Advocate
for the petitioners.

Mr. Puru Jarewal, Deputy Advocate General, Punjab
for the respondents.

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HARKESH MANUJA, J. (ORAL)

By way of present revision petition, challenge has been laid to an order dated 16.10.2023 (Annexure P-1) passed by the Court of learned Additional District Judge, Ferozepur, whereby the objections raised by the respondents-judgment debtors in an execution application preferred at the instance of the petitioners-landowners were accepted, resultantly dismissing the execution application.

[2] Briefly stating, certain land owned by the petitioners-landowners situated within the revenue estate of Talwandi Bhai, Tehsil and District Ferozepur was acquired for construction of a new Grain Market, vide notification dated 10.02.1984 issued under Section 4 of the Land Acquisition Act, 1894 **(for short "1894 Act")**. A subsequent notice dated 04.06.1986 under Section 6 of the 1894 Act was issued to interested persons.

[3] Admittedly, the issue of determination of the market value of the land was finally determined by the Hon'ble Apex Court vide decision dated 11.04.2013 passed in ***Civil Appeal Nos. 3279-3287 of 2013*** arising out of ***SLP(C) Nos.24704-24712 of 2007*** titled as ***"Ashrafi and others Vs. State of Haryana and others"*** and the market value was enhanced to the tune of Rs.7,25,000/- per acre. The relevant paragraph 39 of the aforesaid decision is extracted hereinafter:-

> *" **39.** In Sucha Singh's case, Mr. Kapoor had submitted that the Land Acquisition Collector had awarded the compensation at the rate of Rs.40,000/- per acre, which was enhanced by the Reference Court to Rs.4,60,000/- up to one killa and Rs.4,00,000/- beyond one killa. On appeal to the High Court, the amounts were reduced to Rs.3,74,000/- per acre up to one acre and Rs.2,24,640/- per acre beyond one acre. According to Mr. Kapoor, while the average sale price had been found to be Rs.6,23,997/- per acre, together with increase of 12% per annum, the figure would amount to Rs.7,82,746/- per acre. However, although the land belonging to Mr. Kapoor's clients fell within the municipal limits of Talwani Bhai, a deduction of 40% was unjustified. On the other hand, a cut of $33^{1/3}$ per cent would be more realistic. Accordingly, the compensation for the said lands, after taking into consideration the deduction of $33^{1/3}$ per cent is assessed at Rs.7,25,000/-per acre."*

[4] Based thereupon, execution was preferred wherein an objection was raised by the respondents to the effect that once the petitioners-landowners were granted the benefit escalation of 12% per annum at the time of reassessment of compensation by the Hon'ble Supreme Court; they would not be entitled for award of benefit of 12% increase, as stipulated under Section 23(1A) of the 1894 Act.

[5] The said objections were opposed at the instance of the petitioners-landowners, however, the learned Executing Court vide impugned order dated 16.10.2023, accepted the same and declined the relief of benefit under Section 23(1A) of the 1894 Act to the petitioners-landowners.

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

[7] A perusal of the aforesaid decision dated 11.04.2013 passed by the Hon'ble Apex Court shows that the appreciation of 12% per annum was granted to the petitioners-landowners merely for the purposes of final determination of the component of market value, and thus was not to be construed so as to deprive the petitioners-landowners of their statutory entitlement to the additional benefit under Section 23(1A) of the 1894 Act. From the scheme of the Land Acquisition Act, it is very much clear that the term *'compensation'* includes factors such as market value; the statutory benefit under Section 23(1A) and the solatium as provided under Section 23(2) of the 1894 Act, besides, the statutory interest in terms of Sections 28 and 34 of the 1894 Act. As such, any escalation or increase applied by the Court at time of determination of the market value cannot be adjusted as against the statutory benefit provided under Section 23(1A) of the 1894 Act. The learned Executing Court has failed to take into account the aforesaid aspect while passing the impugned order.

[8] In view of the aforesaid discussion, the impugned order dated 16.10.2023 (Annexure P-1) passed by the learned Additional District Judge, Ferozepur, is hereby set aside and the objections preferred at the instance of respondents/judgment debtors being devoid of merit, are thus, dismissed.

[9] Accordingly, the matter is remitted back to the learned Executing Court concerned for compliance of the decision dated 11.04.2023 passed by the Hon'ble Supreme Court particularly with regard to the release of statutory benefits under Section 23(1A) of the 1894 Act in favour of the petitioners-landowners.

[10] The parties are directed to appear before the learned Executing Court concerned on 25.05.2026.

[11] **Disposed of** in the aforesaid terms.

[12] Pending miscellaneous application(s), if any, shall also stand disposed off.

May 05, 2026 **(HARKESH MANUJA)**
'dk kamra' **JUDGE**

Whether Speaking/reasoned	*Yes/No*
Whether Reportable	*Yes/No*