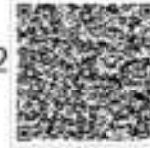


2026:PHHC:071342



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

Date of decision:-06.05.2026

1. RFA-4116-2006 (O&M)

Pal Singh and othersAppellants.

vs.

Union of India and othersRespondents.

2. RFA-4117-2006 (O&M)

Ajaib Singh and anotherAppellants.

vs.

Union of India and anotherRespondents.

3. RFA-79-2006 (O&M)

Bachan Singh and othersAppellants.

vs.

Union of India and anotherRespondents.

4. RFA-80-2006 (O&M)

Salwinder Kaur and othersAppellants.

vs.

Union of India and othersRespondents.

5. RFA-78-2006 (O&M)

Puro @ Puran Singh (deceased)
thr. his LRs. and othersAppellants.

vs.

Union of India and anotherRespondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.Kanish Jindal, Advocate
for the appellant(s).

Mr. D.C. Mittal, Advocate and
Mr. Vishal Garg, Advocate for respondent No.1-UOI.

Mr. Athar Ahmed, DAG, Punjab.

HARKESH MANUJA J. (Oral)

CM-9289-CI-2006 in RFA-4116-2006
CM-9292-CI-2006 in RFA-4117-2006

1. Prayer in this application for condoning the delay of 625 days in re-filing the respective appeals.

2. Notice of the applications.

3. Mr. Athar Ahmed, DAG, Punjab, accepts notice on behalf of respondent-State and waive filing of reply to the applications, however, prays for dismissal of the applications.

4. Having heard learned counsel for the parties and keeping in view the averments made in the applications, the delay of 625 days in re-filing the respective appeals is condoned in view of the judgment of the Hon'ble Apex Court in ***Ningappa Thotappa Angadi (Dead) through LRs Vs. Special Land Acquisition Officer and Another, 2020 (19) SCC 599*** and the latest exposition of law laid down in ***"Mohar Singh (Dead) thr. LRs and ors. vs. State of Uttar Pradesh Collector and ors."*** reported as ***2023 INSC 1019***, whereby, delay of 12 years and 353 days was condoned to accord parity between similarly placed landowners albeit no interest was awarded for delayed period. The relevant portion thereof is extracted hereunder:-

"12. Having heard learned Senior Counsel for the parties and on perusal of the material placed on record, we are satisfied that the appellants are entitled to seek parity with their co-villagers in the grant of compensation for their acquired land. This Court has consistently held in a catena of decisions that the inordinate delay in filing appeal in compensatory matters, per se, may not be fatal as the rights and equities between the parties can be well balanced by denying the statutory benefits, such as interest for the delayed period. We are thus of the considered opinion that the delay in filing the first appeal(s) could be condoned subject to the condition that the appellants would

not be entitled to enure undue benefit for the delayed period. We grant such indulgence in the appellant's favour also for the reason that a batch of first appeals at the instance of other land owners was still pending consideration before the High Court. All that the High Court ought to have emphatically denied to the late-comers was the benefit of interest including on the solatium, under Section 34 of the Act for the period from the date of passing of the award by the Reference Court till the filing of the first appeals."

5. In view of the above, the aforementioned applications stand disposed of.

CM-9293-CI-2006 in RFA-4117-2006

CM-3131-CI-2025 in RFA-78-2006

1. Prayer in the aforementioned applications is for impleading the legal representatives of Sahib Singh (in CM-9293-CI-2006 in RFA-4117-2006) and appellant No.1-Puro @ Puran Singh, who died on 29.04.1999 and 30.12.2014, respectively.

2. Having heard learned counsel for the parties and gone through the contents of the applications, prayer made herein is allowed and persons mentioned in para 2 of the respective applications are ordered to be impleaded as the legal representatives of deceased-Sahib Singh (in CM-9293-CI-2006 in RFA-4117-2006) and appellant No.1-Puro @ Puran Singh (in CM-3131-CI-2025 in RFA-78-2006).

3. Amended memo of parties filed in CM-3131-CI-2025 in RFA-78-2006, is taken on record.

Main case(s)

1. Vide this common judgment, the aforementioned 05 connected Regular First Appeals are being decided as all have arisen out of the same award.

1.2 For convenience, the facts are being taken from **RFA-4116-2006 (O&M).**

2. By way of present appeal, challenge has been laid to an Award dated 01.05.2004 passed by the learned Additional District Judge, Amritsar (for short, “***the Reference Court***”), whereby, reference petition(s) preferred at the instance of appellant(s)/landowner(s) invoking Section 18 of the Land Acquisition Act, 1894 (for brevity, “***1894 Act***”), were partly allowed.

3. Brief facts of the case are that some land owned by the appellant(s)/landowner(s), situated in the revenue estate of Village Waraich, was acquired vide notifications dated 15.06.1987 (published on 26.06.1987) and 15.06.1987 (published on 03.07.1987) issued under Sections 4 & 6 respectively of the 1894 Act, for the public purpose, namely, “***for defence purpose***”. The Land Acquisition Collector (for short, “***the LAC***”) vide its Award dated 28.06.1989, besides granting solatium @ 30% and additional compensation @ 12% as well as other statutory benefits under the 1894 Act, assessed the market value of the acquired land situated in village Waraich, at the following rates:-

Chahi/Nehri land	Rs.35,000/- per acre
Gair Mumkin land	Rs.15,000/- per acre
Barani land	Rs.24,000/- per acre

4. Feeling dissatisfied with the award passed by the LAC, the appellant(s)-landowner(s) preferred reference petition under Section 18 of the 1894 Act, seeking enhancement of compensation. Upon consideration of the material available on record, the learned Reference Court vide its award dated 01.05.2004, partly allowed the reference petition(s) while re-assessing the market value @ Rs.60,000/- per acre for all kinds of land situated in

village Waraich along with granting other statutory benefits under the 1894 Act.

5. Feeling dissatisfied with the aforesaid award passed by the learned Reference Court, the appellants-landowners preferred the aforementioned appeals.

CONTENTION(S):-

ON BEHALF OF THE APPELLANT(S)-LANDOWNER(S):-

6. Impugning the aforementioned award, learned counsel for the appellant(s)-landowner(s) submits that the learned Reference Court erred having discarded the two sale instances produced by appellants-landowners in the form of Ex.AW-2/1 and Ex.AW-2/3 which pertained to the period prior to the notification dated 26.06.1987 issued under Section 4 of the 1894 Act in the case(s) in hand and also pertained to the same revenue estate of village Waraich, District Amritsar. He thus, submits that relying upon the aforementioned sale deeds, the market value of the acquired land was required to be re-assessed and enhanced in favour of the appellants-landowners and the appeal(s) preferred at the instance of appellant(s)-landowner(s) were to be allowed. No other argument has been addressed.

ON BEHALF OF RESPONDENT(S) :-

7. Per contra, learned counsel appearing on behalf of the respondent No.1-UOI points out that as per the sale deeds produced by respondent(s), the market value of the acquired land pertaining to the revenue estate of village Waraich was approximately Rs.16,000/- to Rs.21,000/- per acre and the appellants-landowners were already awarded sufficient market value @ Rs.60,000/- per acre, as such, no further enhancement is required and the

appeals preferred at the instance of appellants-landowners are liable to be dismissed. No other argument has been addressed.

DISCUSSION AND REASONING:-

8. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the appellant(s)-landowner(s).

9. Before proceeding further, it may be noticed here that respondent No.2-State did not produce any certified copy of sale deed on record to substantiate its stand. Rather, the statement/document in the form of Ex.R-3 providing the details of certain sale deeds was placed on record, wherein, the following particulars were mentioned:-

<u>Date of Execution of sale deed</u>	<u>Village</u>	<u>Land measuring Kanal - Marla</u>	<u>Sale Price</u>	<u>Price per acre</u>
23.06.1986	Budda Theh	4 K	Rs.10,000/-	Rs.20,000/-
10.09.1986	Budda Theh	4 K	Rs.6,000/-	Rs.12,000/-
10.09.1986	Budda Theh	4 K	Rs.6,000/-	Rs.12,000/-
24.03.1987	Budda Theh	4 K	Rs.8,000/-	Rs.16,000/-
20.04.1987	Budda Theh	15 K-12 M	Rs.39,000/-	Rs.20,000/-
16.04.1987	Budda Theh	12 K	Rs.10,000/-	Rs.6,666/-
15.12.1987	Waraich	8 K	Rs.12,000/-	Rs.12,000/-
08.04.1987	Waraich	11 K-11 M	Rs.31,000/-	Rs.21,472/-
08.04.1987	Waraich	16 K- 10 M	Rs.43,000	Rs.20,848/-
09.06.1987	Waraich	16 K- 18 M	Rs.35,000	Rs.16,568/-

9.1 At the very outset, in the absence of certified copies of sale deeds described in the aforesaid statement/document (Ex.R-3), the particulars mentioned therein carry no evidentiary value. Furthermore, the first six sale instances pertained to the revenue estate of Budda Theh, whereas, the acquisition in hand relates to the revenue estate of village Waraich, District Amritsar, thus the same need to be discarded. One of the sale instances

pertaining to the revenue estate of village Waraich being dated 15.12.1987 pertained to period post notification and thus, no reliance need to be placed upon it. Besides it, as per the remaining three sale instances, the sale price was approximately Rs.16,000/- to Rs.21,000/- per acre, which was significantly lesser in comparison to the determination made by the LAC in favour of the appellant(s)-landowner(s) and thus, cannot be relied upon for the purpose of determination of the market value of the case(s) in hand as the same do not reflect the correct prevailing market value at the relevant point of time.

10. On the other hand, the appellant(s)-landowner(s) produced the following eight (08) sale instances in order to substantiate their claim:-

<u>Date of Execution of sale deed /Exhibits</u>	<u>Village</u>	<u>Land measuring Kanal - Marla</u>	<u>Sale Price</u>	<u>Price per acre</u>
16.08.1985 (AW-2/1)	Waraich	1 K	Rs.40,000/-	Rs.3,20,000/-
18.02.1986 (AW-2/3)	Waraich	4 K	Rs.30,000/-	Rs.60,000/-
15.09.1987 (AW-2/5)	Waraich	2 K – 16 M	Rs.45,000/-	Rs.1,28,571/-
20.11.1990 (AW-2/7)	Waraich	3 M	Rs.48,000/-	Rs.25,60,000/-
08.09.1993 (AW-5/2)	Waraich	10 M	Rs.1,20,000/-	Rs.19,20,000/-
15.06.1989 (AW-5/3)	Waraich	5 M	Rs.6,000/-	Rs.19,20,000/-
15.06.1989 (AW-5/4)	Waraich	5 M	Rs.6,000/-	Rs.19,20,000/-
10.07.1989 (AW-5/5)	Waraich	15 M	Rs.15,000/-	Rs.1,60,000/-

10.1 From the perusal of the above chart, it is clear that barring the sale instances dated 16.08.1985 (Ex.AW-2/1) and 18.02.1986 (Ex.AW-2/3), the remaining six sale instances pertain to the period post-notification under Section 4 of the Act and hence, need to be discarded.

11. Further, a perusal of record shows that the acquired land formed part of Rectangle Nos. 27, 28, 37, 38, 42 and 43 situated within the revenue estate of Village Waraich, whereas the land parcels forming part of the sale

instances dated 16.08.1985 (Ex.AW-2/1) and 18.02.1986 (Ex.AW-2/3) fall in Rectangle Nos. 30 and 29 respectively, of the same village. Thus, it is evident that the land parcels forming part of sale instances (Ex.AW-2/1 and Ex.AW-2/3) were located in close geographical proximity to the acquired land and thus, the said sale instances can be safely considered for assessing the market value.

11.1. Out of the said two sale instances, the sale deed dated 16.08.1985 (Ex.AW-2/1) vide which 1 Kanal of land forming part of the revenue estate of village Waraich was sold @ Rs.3,20,000/- per acre, carrying the highest sale price per acre needs to be taken into account as the best available/suitable sale exemplar for the purpose of determination of market value of the acquired land, especially, in the wake of law laid down by the Hon'ble Apex Court in the case of **Horrmal Vs. State of Haryana**, reported as '**2024(4) R.C.R. (Civil) 758**', as per which the highest valued sale exemplar needs to be relied upon while assessing the market value in compulsory land acquisition cases. Relevant paragraph Nos.27 and 28 from **Horrmal's** case (supra) are extracted hereunder:-

*"27. In the instant case, there are multiple sale deeds of smaller plots, and these represent the best available evidence for estimating compensation. Since there is no legal impediment to considering such sale deeds, the logical progression in the compensation estimation process would be to identify the most suitable sale deed(s) for determining the market value and subsequently, to apply adequate deductions on the same. The solution to this state of flux may thus be found in the case of **Mehrawal Khewaji Trust v. State of Punjab, (2012) 5 SCC 432** where this Court laid down as follows:*

"....It is clear that when there are several exemplars with reference to similar lands, it is the general rule that the highest of the exemplars, if it is satisfied that it is a bona fide transaction, has to be considered and accepted. When the land is being compulsorily taken away from a person, he is entitled to the highest value which similar

land in the locality is shown to have fetched in a bona fide transaction entered into between a willing purchaser and a willing seller near about the time of the acquisition."

28. *This view has been reiterated in **Sh. Himmat Singh v. State of M.P., (2013) 16 SCC 392** where a three-judge bench of this Court consolidated various precedents to affirm that in circumstances where there are multiple sale deeds available for consideration, the Court shall rely on the highest valued exemplars unless the prices fall within a narrow range, in which case calculating an average of the values therein may be more congruous."*

12. Taking into account the fact that the sale deed (Ex.AW-2/1) is dated 16.08.1985, whereas the acquisition in the present case(s) commenced vide notification dated 26.06.1987; for the time gap of approximately 1 year and 10 months between the date of sale deed (Ex.AW-2/1) and the date of issuance of notification under Section 4 of the 1894 Act in the case(s) in hand, an appreciation @ 8% per annum needs to be awarded in favour of the appellant(s)-landowner(s).

13 Further, taking into account the fact that the total land acquired in the case(s) in hand from the revenue estate of village Waraich is around 272 acres 3 kanals 18 marlas, whereas, the sale instance dated 16.08.1985 (Ex.AW-2/1) pertained to an area measuring 1 kanal, a deduction @ 60% would suffice towards smallness of area involved in the said sale exemplar, so as to balance the equities.

14. Moreover, in view of the fact that the acquisition in the present case(s) related to the public purpose namely, for defence purpose, the State neither suffered any loss towards optimum utilization of land nor did it incur any expense towards providing of additional infrastructural amenities like parks, roads, green belts or community building etc., thus, no cut towards development cost needs to be applied. Thus, the market value comes to Rs.

