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

CM No. 4238-CI of 2025;
CM No. 1310-CI of 2026 in/and
RFA No. 3613 of 2015 (O&M)
Date of Decision: 09.04.2026

Bishna Ram (since deceased) through LR

...Appellant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Diwan S. Adlakha, Advocate
for the applicant-appellant.
(in CM No. 4238-CI of 2025 & CM No. 1310-CI of 2026)

Mr. J.C. Malik, Advocate

Mr. Abhinash Jain, Deputy Advocate General, Haryana
for respondent Nos. 1 to 3.

Mr. Parvinder Singh, Advocate
for respondent No. 4.

HARKESH MANUJA, J. (ORAL)

CM No. 1310-CI of 2026

Application for placing on record some documents as Annexures A-1/1 to A-1/11 and exemption from filing the true typed copies of Annexures A-1/2 to A-1/7 & A-1/9 & A-1/10 as well as certified copies of the Annexures A-1/1, A-1/8 & A-1/11 is **allowed** subject to all just exceptions.

Registry to do the needful.

CM No. 4238-CI of 2025

Through instant application, the applicant-appellant does not intend to press the present appeal with respect to his

claim towards apportionment of compensation against the private respondents. However, regarding his claim towards enhancement of market value, reliance has been placed upon the decision dated 13.09.2017 passed by the Hon'ble Apex Court in SLP (Civil) No. 028177/16, titled "Manoj Kumar etc. Versus State of Haryana and others", vide which the market value against the present acquisition has been enhanced to Rs. 95 lakhs per acre.

Notice of the application.

Learned counsel(s) for the non-applicant(s)/respondent(s) accept notice and raise no objection against the prayer made in the application.

Learned counsel for the parties also point out that the main appeal stood admitted vide order dated 03.07.2015 and pray for disposal of the same today itself.

In view of the above and with the consent of learned counsel for the parties, the main appeal is taken on board today itself.

Application is **disposed of**.

MAIN APPEAL

By way of present appeal, challenge has been laid to an award dated 09.04.2015 passed by the learned Additional District Judge, Yamuna Nagar at Jagadhri (**for short, "Reference Court"**), whereby, reference petition preferred at the instance of appellant-landowner invoking Section 18 of the Land Acquisition

Act, 1894 (**for brevity, "1894 Act"**) read with Sections 30 & 42 thereof, was partly accepted.

[2] Brief facts of the case are that land measuring 67.09 acres (536K-15M) from the revenue estate of Gulab Nagar, Tehsil Jagadhri, District Yamuna Nagar, was acquired for the public purpose namely, *"for the development and utilization of land as residential, commercial area for Sectors 22 to 24 part Jagadhri under the Haryana Urban Development Authority Act, 1977"*, vide notifications dated 30.05.2005 and 22.05.2006 issued under Sections 4 and 6 respectively of the 1894 Act, followed by an award dated 16.07.2007 passed by the Land Acquisition Collector (**for short "LAC"**), while assessing the market value of the acquired land @ Rs.20 lacs per acre alongwith all other statutory benefits under the 1894 Act. Appellant-Bishna Ram claiming to be in possession of land comprising in Khewat No.10 min, khatauni No.13, khasra Nos.6//19 and 20, situated in the revenue estate of Village Gulab Nagar, Hadbast No.404, Tehsil Jagadhri, District Yamuna Nagar being tenant under Sarv Shri Naresh Saran etc. i.e. respondents No. 4 to 8 applied for enhancement while claiming 3/4th share in the enhanced amount of compensation.

[3] In terms of the above, the appellant-tenant invoked reference under Section 18 read with Sections 30 and 42 of the 1894 Act, seeking enhancement as well as apportionment of compensation. Upon consideration of the material available on record, the learned Reference Court vide its Award dated

09.04.2015, re-assessed the market value at the rate of Rs.1,560/- per meter besides granting all other statutory benefits and the appellant-tenant was held entitled to the extent of 1/3rd share of compensation only.

[4] Feeling dissatisfied with the aforesaid Award passed by the learned Reference Court, the appellant-tenant preferred the present appeal seeking enhancement of the market value as well as towards apportionment of compensation.

[5] Vide application bearing CM No. 4238-CI of 2025, filed through Sh. Diwan S. Adlakha, Advocate, it has been prayed that the applicant-appellant does not intend to press the present appeal with respect to his claim towards apportionment of compensation against the private respondents. However, regarding his claim towards enhancement of the market value, reliance has been placed upon the decision dated 13.09.2017 passed by the Hon'ble Apex Court in SLP (Civil) No. 28177 of 2016, titled as "***Manoj Kumar etc. Versus State of Haryana and others etc.***", vide which the market value against the present acquisition has been enhanced to Rs. 95 lakhs per acre.

[6] On the other hand, learned counsel appearing on behalf of the private respondent(s) submits that no cross-objection/cross-appeal with respect to the claim of apportionment as determined in favour of the applicant-appellant/tenant was preferred at their instance, however, it has been stated that with respect to the enhancement in terms of reference petition preferred

at the instance of private respondents having invoked Section 18 of the 1894 Act, they had already received the enhanced compensation @ Rs.95 lakhs per acre in terms of decision passed in case of **Manoj Kumar's case (supra)** to the extent of their 2/3rd share, as assessed by the learned Reference Court vide the impugned award.

[7] I have heard learned counsel for the parties and gone through the paper book.

[8] A perusal of the record shows that the appellant while claiming himself to be a tenant sought apportionment as well as enhancement of the market value against the acquired land having preferred reference under Section 18 read with Section 30 and 42 of the 1894 Act. Upon appreciation of evidence available on record, the learned Reference Court vide award dated 09.04.2015, re-assessed the market value @ Rs.1,560/- per square meter and held the appellant-tenant to be entitled for 1/3rd share of compensation. Relevant paragraph No.23 of the award dated 09.04.2015 passed by the learned Reference Court is extracted hereunder:-

"23 As a sequel to my findings on issue No.1 above, the reference petition is partly allowed with no order as to costs assessing market value of the acquired land on the date of notification under Section 4 of the Act as Rs.1560/- per square meter. The tenants-petitioners are entitled to compensation to the extent of 1/3rd share only and the remaining amount of compensation shall be paid to land owners. The claimants shall also held entitled to other statutory

benefits as provided under Section 23(1-A)23(2) and 28 of the Act. The claimants shall also be entitled to solatium at the rate of 30% on the market value as assessed above, for compulsory nature of acquisition as provided under Section 23(2) of the Act. The claimants shall also be entitled to interest at the rate of 12% per annum on the assessed market value from the date of publication of notification under Section 4 of the Act, till the date of award or taking over possession of the land, whichever is earlier, as per Section 23(1-A) of the Act. They are further entitled to payment of interest at the rate of 9% per annum on the compensation amount for the period of one year from the date of taking over possession and at the rate of 15% per annum from the date of expiry of such period of one year till payment is made or deposited in the court as per Section 28 of the Act."

[9] In the present case, on account of death of the appellant-Bishna Ram vide order dated 08.01.2018, one of his sons, namely, Shiv Kumar was ordered to be impleaded as legal heir on the basis of Will dated 16.05.2017 executed by the deceased in favour of Shiv Kumar.

[10] Mr. Shiv Kumar son of Bishna Ram-deceased, who is present in person and duly identified by Sh. Diwan S. Adlakha, Advocate; even photocopy of the Aadhar Card has also been seen by the learned Court Secretary, states he does not intend to press the present appeal as regards his claim of apportionment of compensation and is satisfied with 1/3rd share of compensation as assessed in his favour by the learned Reference Court vide the impugned award dated 09.04.2015.

[11] In this view of the above there being no cross-appeal/cross-objection preferred at the instance of private respondents/landowners, the findings recorded by the learned Reference Court with respect to the apportionment of compensation are hereby affirmed.

[12] Appeal is **disposed off**.

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

April 09, 2026
‘dk kamra’

(HARKESH MANUJA)
JUDGE

Whether Speaking / Reasoned :	Yes	No
Whether Reportable :	Yes	No