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

*****

RFA-4445-2016 (O&M)
Date of Decision: 22.04.2026

Kulwinder Singh …….**Appellant(s)**

Versus

State of Punjab and another ..….**Respondents**

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Onkar Singh Batalvi, Advocate and
Mr. H.S. Sandhu, Advocate
Mr. Damanjeet Singh Batalvi, Advocate and
Mr. Arshdeep Singh Sandhawalia, Advocate
Mr. Vineet Sharma, Advocate
for the appellants/ landowners.

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

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<u>HARKESH MANUJA, J. (ORAL)</u>

Vide this common order, a bunch of 30 Regular First Appeals, details of which are given in the footnote of this judgment, are being decided as all the appeals have arisen out of common acquisition/Award involving identical facts and question of law. For the sake of brevity, facts are being taken from **<u>RFA No.4445-2016</u>.**

2. By way of present appeal(s), challenge has been laid to the Award dated 18.02.2015 passed by the learned Addl. District Judge, Amritsar (hereinafter to be referred as the '***Reference Court***') whereby, reference petition(s) preferred at the instance of

landowner(s) invoking Section 18 of the Land Acquisition Act, 1894 (for brevity, ***"1894 Act"***), were partly allowed.

3. Briefly stating, in the present case(s), land measuring 42 acres 4 Kanals 5 Marlas situated within the revenue estate of Village Raja Sansi, Tehsil Ajnala, District Amritsar was acquired vide Notifications dated 04.10.2007 and 25.07.2008 issued under Sections 4 & 6 of the 1894 Act, respectively, for the public purpose, namely, "*for upgradation of International Airport, Amritsar".* Award under Section 11 of the Act was passed by the Land Acquisition Collector (for short '***the LAC***') on 31.08.2009, thereby determining the market value of the acquired land @ Rs.25,00,000/- per acre for the land used for offices and Rs.20,00,000/- per acre for the rest of the land besides award of all other statutory benefits and interests provided under the 1894 Act.

4 Dissatisfied with the Award passed by the LAC, appellant(s)-landowner(s) preferred reference petition(s) under Section 18 of the 1894 Act, which came to be partly allowed by the learned Reference Court vide its decision dated 18.02.2015, while granting enhanced compensation at a uniform rate of Rs.34,00,000/- per acre; 12% additional amount on the market value, solatium @ 30% along with interest; besides awarding all other statutory benefits and interests under the 1894 Act.

5. Aggrieved of the aforesaid award passed by the learned Reference Court, the present appeal(s) were preferred at the

instance of appellant(s)-landowner(s).

<u>CONTENTION(S):</u>
<u>ON BEHALF OF THE APPELLANT(S)-LANDOWNER(S)</u>:-

6. Impugning the aforementioned award, learned counsel for the appellants/ landowners submits that the learned Reference Court erred having failed to rely upon the sale deed dated 28.12.2005 (Ex.P1) vide which 45 Kanals 19 Marlas of land forming part of the revenue estate of Village Raja Sansi was sold for Rs.2,00,37,500/- with the base price of Rs.34,88,576/- per acre. He further submits that the land parcel forming part of the sale instance dated 28.12.2005 (Ex.P1) was situated in close proximity to the acquired land and thus the said sale instance being of similar nature and potential value, was required to be relied upon for assessing the market value in the case(s) in hand.

6.1. Learned counsel also points out that for the time gap between the sale instance dated 28.12.2005 (Ex.P1) upto the date of notification under Section 4 of the 1894 Act in the case(s) in hand, an appreciation @ 15% per annum ought to be granted in favour of the appellants-landowners especially considering the fact that the land forming part of sale instance Ex. P-1, located in village Raja Sansi, was situated in the peripheral zone of the then already developed and prominent city of Amritsar. He thus, prays that on the basis of evidence on record, the market value was required to be re-assessed and the appeal(s) preferred at the instance of landowners were to be allowed.

ON BEHALF OF THE RESPONDENT(S)-STATE:-

7. Per contra, learned counsel appearing on behalf of the respondent(s)–State submits that, in view of the evidence on record, the learned Reference Court duly and sufficiently compensated the landowners, therefore, no interference was warranted with the impugned award. Learned counsel further points out that in case reliance was to be placed upon sale instance dated 28.12.2005 (Ex. P-1) for the purpose of determination of market value, a suitable deduction ought to be applied on account of the smallness of the area comprised therein as compared to the substantially larger chunk of land acquired in the present case(s). Learned State Counsel thus, prays that the award passed by the learned Reference Court being based upon proper appreciation of pleadings and the evidence available on record, calls for no interference and the appeal(s) in hand were liable to be dismissed.

DISCUSSION AND REASONING

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

9. A perusal of the record shows that the respondent(s)–State produced on record a document in the form of Ex.R2 which merely furnishes details of certain sale deeds without annexing

certified copies thereof. In such circumstances, the details provided in the document Ex.R1 carried no evidentiary value and thus cannot be relied upon as a valid piece of evidence with respect to the contents of the sale deeds described therein.

10. Before proceedings further, it would be relevant to take note of the sale instances produced by the appellant(s)-landowner(s) in order to substantiate their effective claims and the details thereof are extracted hereunder:-

SALE DEEDS PRODUCED BY THE APPELLANTS/ LANDOWNERS

Sr. No.	Sale Exhibits	Date of sale deed	Area	Name of village	Total Sale consideration (Rs.)	Value per acre
1.	Ex.P/1	28.12.2005	45K-19M	Raja Sansi	Rs.2,00,37,500/-	Rs.34,88,576/-
2.	Ex.P/2	20.04.2006	9 Marlas	Raja Sansi	Rs.2,02,500/-	Rs.36,00,000/-
3.	Mark PX	26.04.2006	5 Marlas	Raja Sansi	Rs.1,05,000/-	Rs.40,00,000/-

10.1. A perusal of the above chart shows that the sale deeds produced by the appellants-landowners in the form of Exs. P1, P2 and Mark PX pertain to the period prior to notification under Section 4 of the 1894 Act and also pertain to the same revenue estate of Village Raja Sansi as the acquired land, thus, can be safely taken into consideration for the purpose of determination of market value in the present case(s).

10.2. Further, a perusal of the award passed by the learned Reference Court indicates that land forming part of Rectangle Nos. 82 and 97 of the revenue estate of village Raja Sansi was acquired vide notification dated 04.10.2007 and the sale deed dated 28.12.2005 (Ex.P1) pertains to land comprised in Rectangle No. 92 of the same revenue estate of village Raja Sansi. In such circumstances, it is evident that the land parcel forming part of the sale instance Ex.P1 was located in close geographical proximity of the acquired land therefore, carried similar locational and potential value. Thus, the sale instance dated 28.12.2005 (Ex.P1) vide which 45 Kanals 19 marlas of land was sold for Rs.2,00,37,500/- with the base price of Rs.34,88,576/- per acre, being the best available sale exemplar, needs to be relied upon for assessing the market value in the case(s) in hand.

11. Taking into account that fact that there exists a time gap of 21 months approximately between the date of sale exemplar dated 28.12.2005 (Ex.P-1) and the date of notification under Section 4 of the 1894 Act in the case(s) in hand issued on 04.10.2007, therefore, for the said time, an appropriate appreciation needs to be awarded in favour of the appellant(s)-landowner(s). The purpose of acquisition in the present case(s) was for upgradation of International Airport at Amritsar, which necessarily implies that the Airport in Amritsar was already in existence at the time of such acquisition, and the land in question, being located in close proximity was acquired for its expansion and development. In view thereof, the acquired land carried significant locational and potential advantage and thus an appreciation @ 12% per annum to be applied over the base price @

Rs. 34,88,576/- per acre derived from the sale instance dated 28.12.2005 (Ex.P1) upto the date of notification under Section 4 of the Act in the case(s) in hand which comes to Rs.42,20,000/- per acre (approximately).

12. In the humble opinion of this Court, considering the fact that the sale exemplar dated 28.12.2005 (Ex.P-1) relates to 45 Kanals 19 Marlas of land *viz-a-viz* the acquisition of 42 acres 4 Kanals 5 Marlas, as such, the same cannot be considered as the sale instance pertaining to small land parcel and thus, no deduction needs to be applied in this regard.

13. Furthermore, in view of the fact that the acquisition in the present case related to the public purpose namely, "*for upgradation of International Airport, Amritsar*", the State neither suffered any loss towards optimum utilization of land nor did it incur any cost towards providing of additional infrastructural amenities thus, no development cut was required to be applied.

14. Accordingly, the market value for the land under acquisition is assessed at the **uniform rate of Rs.42,20,000/- per acre** on the date of notification under Section 4 of the 1894 Act. In addition, the landowners shall also be entitled for award of all statutory benefits and interest as provided under the provisions of 1894 Act (amended up to date). The landowners shall also be entitled for solatium besides award of interest thereupon.

15. Consequently, in view of the discussion made

hereinabove, the appeal preferred at the instance of landowners is hereby partly allowed in the aforesaid terms.

16. Further, in case of unfortunate demise of any of the appellant(s)/landowner(s), if the legal heir(s)-legal representative(s) have not been brought on record, they shall be entitled for filing exemption applications in their own names being legal heirs or legal representatives of the deceased-landowners; subject of course to any testamentary document created by the deceased.

17. Pending application, if any, also stands disposed of.

22.04.2026 (**HARKESH MANUJA**)
sanjay **JUDGE**

Whether speaking/reasoned? Yes/No
Whether Reportable? Yes/No

Sr.No.	**Case No.**
1.	**RFA-1290-2017 (O&M)**
2.	**RFA-1291-2017 (O&M)**
3.	**RFA-1358-2017 (O&M)**
4.	**RFA-1522-2017 (O&M)**
5.	**RFA-1655-2017 (O&M)**
6.	**RFA-191-2017 (O&M)**
7.	**RFA-192-2017 (O&M)**
8.	**RFA-193-2017 (O&M)**
9.	**RFA-4446-2016 (O&M)**
10.	**RFA-4447-2016 (O&M)**
11.	**RFA-4448-2016 (O&M)**
12.	**RFA-4449-2016 (O&M)**
13.	**RFA-4828-2016 (O&M)**
14.	**RFA-4830-2016 (O&M)**
15.	**RFA-4832-2016 (O&M)**
16.	**RFA-4834-2016 (O&M)**

17.	**RFA-4955-2016 (O&M)**
18.	**RFA-4956-2016 (O&M)**
19.	**RFA-4957-2016 (O&M)**
20.	**RFA-500-2017 (O&M)**
21.	**RFA-501-2017 (O&M)**
22.	**RFA-1042-2017 (O&M)**
23.	**RFA-502-2017 (O&M)**
24.	**RFA-503-2017 (O&M)**
25.	**RFA-576-2017 (O&M)**
26.	**RFA-577-2017 (O&M)**
27.	**RFA-578-2017 (O&M)**
28.	**RFA-832-2019 (O&M)**
29.	**RFA-8409-2018 (O&M)**

22.04.2026 **(HARKESH MANUJA)**
sanjay **JUDGE**