

2026 PHHC-079881



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RFA-7077-2015 (O&M)

Date of Decision: 19.05.2026

Balwinder Kaur

.....Appellant

Versus

The Land Acquisition Collector and ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. H.S. Saini, Advocate
Mr. M.K. Dogra, Advocate
Mr. Arun Abrol, Advocate
for the appellant(s).

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

Mr. Sunil Kumar, Sharma, Advocate
for respondent No.3/UOI.

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HARKESH MANUJA, J. (ORAL)

Vide this common order, a bunch of 16 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 **RFA No.7077 of 2015.**

2. By way of present appeal(s), challenge has been laid to the Award dated 05.05.2015 passed by the learned Addl. District Judge, Gurdaspur (hereinafter to be referred as the '**Reference Court**').

3. Briefly stating, in the present case(s), land measuring 23 Acres 4 kanals and 6 marlas situated within the revenue estates of Villages Shikar (12 acres 03 marlas) and Ali Nangal (11 acres 01 kanal and 06 marlas), Tehsil Batala, District Gurdaspur was acquired vide Notifications dated 30.09.2009 and 22.03.2010 issued under Sections 4 & 6 of the Land Acquisition Act, 1894 (for short the '**1894 Act**'), respectively for the public purpose, namely, "*for the construction of authorised Residential and Non Residential married/single accommodation including stores buildings, Regimental institutions, outdoor training structures etc. for Battalion Headquarter*". Award by the Land Acquisition Collector (for short '**the LAC**') was passed on 09.02.2011, thereby, determining the market value of the acquired land @ Rs.5,85,000/- per acre besides award of all other statutory benefits and interests provided under the 1894 Act.

4 Dissatisfied with the Award passed by the LAC, the appellants/ landowners preferred reference petition(s), which were partly allowed by the learned Reference Court vide its decision dated 05.05.2015 while granting enhanced compensation @ Rs.7,12,800/- per acre along with interest and other statutory benefits/interest under the 1894 Act. Aggrieved thereof, the present appeal(s) were preferred at the instance of appellants-landowners.

CONTENTION(S):
ON BEHALF OF THE APPELLANTS-LANDOWNERS:-

5. Impugning the aforementioned award, learned counsel for

the appellants/ landowners submits that the learned Reference Court erred having discarded the sale instances Ex.AW3/C and Ex.AW3/D which both pertained to the same revenue estate of Village Ali Nangal. Leaned counsel thus submits that the market price of the acquired land in the case(s) in hand was required to be re-assessed and enhanced in favour of the appellants/ landowners by placing reliance upon the abovementioned two sale deeds and upon application of suitable deduction towards the smallness of area involved therein, besides imposition of development cut thereupon.

ON BEHALF OF THE RESPONDENT-UOI:-

6. Per contra, learned counsel appearing on behalf of respondent No.3-UOI submits that the sale deeds produced by the appellants all pertained to small land parcels *vis-à-vis* the acquired land and as such the same were not to be relied upon for the purpose of determination of the market value in the case(s) in hand. He further submits that the award passed by the learned Reference Court was based upon proper appreciation of the pleadings and the evidence available on record. He asserts that the learned Reference Court already awarded uniform market value @ Rs.7,12,800/- per acre in favour of the appellants/landowners, which calls for no interference and, thus prays for dismissal of the appeal(s). No other argument has been raised on behalf of respondent No.3.

DISCUSSION AND REASONING: -

7. I have heard learned counsel for the parties and gone

through the contents of the paper-book. I find substance in the submissions made on behalf of the appellants/ landowners.

8. Before proceeding further, it may be noticed here that on 13.05.2025, this Court passed the following order:-

“Arguments of the learned counsel representing the landowners have been heard at length. Learned State counsel is directed to produce a copy of the official Village map (Aks-shijra) while marking the location of the acquired land as well as location of the sale deeds produced by the parties.

List on 15.05.2026.

A photocopy of this order be placed on the files of the other connected cases.”

In view thereof, today, learned State counsel has produced ‘Aks Shijra’ in Court today, showing the comparative location of the acquired land *vis-à-vis* the land parcels forming part of the sale instances produced by the appellants/ landowners. A copy thereof has also been handed over to learned counsel appearing on behalf of the landowners who has not disputed its veracity. The said site plan will assist this Court to decide the appeal(s) in hand in an effective manner as such, with the consent of learned counsel for the parties the same, duly signed by the learned State counsel, is taken on record and marked as **Mark ‘X’**.

9. Further, in the case(s) in hand, the appellants/ landowners in order to establish their claim towards enhancement of market value produced the following six sale deeds:-

Details of sale instances: -

<u>Sr. No.</u>	<u>Sale Exhibits</u>	<u>Date of sale deed</u>	<u>Area</u>	<u>Name of village</u>	<u>Total Sale consideration (Rs.)</u>	<u>Value per acre</u>
1.	Ex.AW3/A	18.11.2011	4 marla	Jeewan Nangal	Rs.4,00,000/-	Rs.1,60,00,000/-
2.	Ex.AW3/B	07.09.2011	1 marla	Ali Nangal	Rs.1,00,000/-	Rs.1,60,00,000/-
3.	Ex.AW3/C	29.12.2009	4 marla	Ali Nangal	Rs.3,00,000/-	Rs.1,20,00,000/-
4.	Ex.AW3/D	21.11.2008	3 marla	Ali Nangal	Rs.1,50,000/-	Rs.80,00,000/-
5.	Ex.AW3/E	30.09.2011	2K-10M	Khawaja Wardag	Rs.32,00,000/-	Rs.1,02,40,000/-
6.	Ex.AW3/F	26.04.2011	3K-13M	Ali Nangal	Rs.8,00,000/-	Rs.17,60,000/-

10. As per the site plan Mark ‘X’, the acquired land from the revenue estate of Villages Sikhar and Ali Nangal have been depicted in Orange and Blue colour, respectively. In Mark ‘X’, the comparative location of the acquired land *vis-à-vis* land parcel forming part of the sale instances Ex.AW3/A to Ex. AW3/F has also been reflected. A perusal thereof shows that the land parcels forming part of the sale deeds Ex.AW3/B and Ex.AW3/C are located directly opposite to the acquired land parcel forming part of the revenue estate of Village Ali Nangal, been bisected by Major District Road, leading from Dera Baba Nanak to Batala. In such circumstances, it is quite evident that the acquired land carried similar locational and potential advantage attached to the land parcel forming part of the sale deeds Ex.AW3/B and Ex.AW3/C being located in close geographical proximity.

11. However, the sale deed Ex.AW3/B dated 07.09.2011 pertained to the period post-notification under Section 4 of the 1894 Act in case(s) in hand and thus need not be relied upon. Therefore,

the sale instance Ex.PW3/C dated 29.12.2009 pertaining to the same revenue estate of Village Ali Nangal vide which 4 marlas of land was sold for a sum of Rs.3,00,000/- with the base price per acre of Rs.1,20,00,000/- being the best available sale exemplar, needs to be relied upon for the purpose of determination of market value in the case(s) in hand.

12. Further taking into account the fact that the total acquired land measures 23 acres 4 kanals 16 marlas; whereas the sale deed dated 29.12.2009 Ex.AW3/C pertains to land parcel of 4 marlas only, a suitable deduction towards smallness of area needs to be applied. Besides it, keeping in view the fact that the present acquisition is with respect to public purpose, namely, *“for the construction of authorised Residential and Non Residential married/single accommodation including stores buildings, Regimental institutions, outdoor training structures etc. for Battalion Headquarter”*, some land was certainly utilized by the respondents towards providing of basic necessary infrastructural civic amenities, as such, some deduction towards development cost also needs to be applied.

12.1. In such circumstances, on the abovementioned two counts, a composite deduction of 75% on the base price derived from the sale exemplar Ex.AW3/C dated 29.12.2009 would suffice and as such, the market value of the acquired land in the case(s) in hand comes at a uniform rate of Rs.30,00,000/- per acre as per the calculation below:-

Calculation:-

Sale deed dated 29.12.2009 (Ex. Ex.AW3/C)	Base Price = Rs.1,20,00,000/- per acre
Deduction of 75%	Rs. 1,20,00,000 – 9,00,00,000/- (Price – 75% of Price) = 30,00,000
Net Value	Rs. 30,00,000/- per acre

13. Pertinently, the LAC, at the time of assessing the market value of the revenue estate of Villages Shikar and Ali Nangal, determined the same at the rate of Rs.5,85,000/- per acre which clearly indicates that the respondent authorities were conscious of the fact that the land parcels of the acquired land did not suffer from any material variation in terms of their locational advantage, accessibility, and development potential. Such assessment itself reflects that the acquired land formed part of a homogeneous tract possessing similar characteristics and potentialities, warranting uniform treatment in the matter of valuation. In view of the aforesaid, the appellants/ landowners of both revenue estates i.e. Shikar as well as Ali Nangal are held entitled to uniform market value.

14. Accordingly, the market value is assessed at a **uniform rate of Rs. 30,00,000 /- per acre** on the date of notification under Section 4 of the 1894 Act in case(s) in hand. In addition, the landowner(s) shall also be entitled for award of all statutory benefits and interest as provided under the provisions of the 1894 Act (amended upto date).

15. In view of the discussion made hereinabove, the appeal(s) preferred at the instance of appellants/ landowners are hereby disposed of with the aforesaid modification.
16. Further, in case of unfortunate demise of any of the landowners, if the legal heir(s)-legal representative(s) have not been brought on record, they shall be entitled for filing execution 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.

19.05.2026
sanjay

(HARKESH MANUJA)
JUDGE

Sr. No.	Case No.
1.	RFA-6336-2015 (O&M)
2.	RFA-6394-2015 (O&M)
3.	RFA-6395-2015 (O&M)
4.	RFA-6396-2015 (O&M)
5.	RFA-6397-2015 (O&M)
6.	RFA-6398-2015 (O&M)
7.	RFA-6802-2015 (O&M)
8	RFA-7078-2015 (O&M)
9.	RFA-7079-2015 (O&M)
10.	RFA-7080-2015 (O&M)
11.	RFA-7111-2015 (O&M)
12.	RFA-7112-2015 (O&M)
13.	RFA-7113-2015 (O&M)
14.	RFA-3408-2016 (O&M)
15.	RFA-4758-2016 (O&M)

19.05.2026
sanjay

(HARKESH MANUJA)
JUDGE