IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RFA No.2693 of 2018 (O&M)
with other connected cases
Date of Decision: 01.05.2026

PARTAP SINGH ......Appellant(s)

Vs

LAND ACQUISITION COLLECTOR-CUM-SDM-KHADOOR SAHIB, DISTRICT TARN TARAN AND ORS. ...Respondent(s)

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Karanjit Singh, Advocate
for the appellants.

Mr. Athar Ahmed, DAG, Punjab.

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HARKESH MANUJA, J. (Oral)

[1]. Vide this common order, the present appeals bearing RFA Nos.2693, 2694, 2695, 2696 of 2018; 3966, 3967, 3968 & 3969 of 2019 (O&M) are being decided as all these appeals have arisen out of common acquisition and involve identical facts and questions of law. For the sake of brevity, facts are being taken from RFA No.2693 of 2018.

[2]. By way of present appeal(s), challenge has been laid to the Award dated 24.01.2018 passed by the learned Addl. District Judge, Tarn Taran (hereinafter to be referred as the '*Reference Court*').

[3]. Briefly stating, in the present case(s), certain land owned by the appellant(s)/landowner(s) situated within the revenue estate of village Khadoor Sahib, District Tarn Taran, came to be acquired vide Notifications dated 24.12.2010 and 22.03.2011 issued under Sections 4 & 6 of the Land Acquisition Act, 1894 (for short the **'1894 Act'**) respectively for the public purpose, namely,

"*for establishment/construction of offices and residences of SDM, Tehsil, Naib-Tehsildar and their employees in village Khadoor Sahib".* An Award under Section 11 of the 1894 Act was passed by the Land Acquisition Collector (for short ***'the LAC')*** on 31.01.2013, whereby market value of the acquired land was assessed @ Rs.28,00,000/- per acre along with all other statutory benefits and interests provided under the 1894 Act.

[4]. Dis-satisfied with the award passed by the LAC, the appellant(s)/landowner(s) preferred their objections in terms of Section 18 read with Section 23 of the 1894 Act which were referred to the learned Reference Court, which were partly accepted vide its award dated 24.01.2018, while re-assessing the market value of the acquired land @ Rs.33,00,000/- per acre irrespective of its nature besides granting all other statutory benefits under the 1894 Act.

[5]. Aggrieved thereof, the present appeals were preferred at the instance of the appellant(s)/landowner(s) as well as respondent/State.

CONTENTION(S):

ON BEHALF OF THE APPELLANTS-LANDOWNERS: -

[6]. Impugning the aforesaid award, learned counsel appearing on behalf of the appellant(s)/landowner(s) submits that the learned Reference Court erred having failed to rely upon the seven sale deeds (Ex.A3- to Ex.A-9) produced by the appellant(s)/landowner(s) which pertained to the same revenue estate of Village Khadoor Sahib and the market value was to be re-assessed accordingly. He also points out that while assessing the market, value the learned Reference Court also failed to take into account the fact that the material available on record clearly

established that the acquired land possessed considerable locational and commercial potential owing to its proximity to the established commercial and institutional units. He thus, prays that award passed by the learned Reference Court was liable to be modified and the market value was to be enhanced in favour of the appellant(s)/landowner(s). No other argument has been raised on behalf of the appellant(s)/landowner(s).

CONTENTION ON BEHALF OF THE RESPONDENT-STATE:-

[7]. Per contra, learned State counsel points out that the sale instances (Ex.A-3 to Ex.A-7 & Ex.A-9) produced by the appellant(s)/landowner(s) pertained to the period post notification under Section 4 of the 1894 Act in the case(s) in hand, thus were liable to be discarded. Learned State counsel further points out that the sale instance dated 29.05.2010 (Ex.A-8) pertained to small parcel of land measuring 300 sq. feet and as such, the same was also required to be ignored from the zone of consideration.

[7.1]. Learned State counsel further submits that the reference petition(s) preferred at the instance of the appellant(s)/landowner(s) were barred by limitation as such, the impugned award passed by the learned Reference Court was liable to the set aside and the Award passed by the LAC was required to be restored. No other argument has been raised on behalf of the respondent/State.

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(s). I find substance in the submissions made on behalf of the appellant(s)/landowner(s).

[9]. In the present case(s), the details of the sale instances in the form of Ex.A3 to Ex.A-9 produced and proved on record by the appellant(s)/landowner(s) in support of their claim are extracted hereunder:-

Sr. No.	Sale Exhibits	Date of sale deed	Area	Name of village	Total Sale consideration (Rs.)	Value per acre (Rs.)
1.	Ex.A-3	24.05.2012	17 Marlas	Khadoor Sahib	8,16,000/-	76,80,000/-
2.	Ex.A-4	29.05.2012	15 Marlas	Khadoor Sahib	7,20,000/-	76,80,000/-
3.	Ex.A-5	19.07.2012	2 Marlas 3 sarsai	Khadoor Sahib	2,50,000/-	1,71,42,857/-
4.	Ex.A-6	06.08.2012	4 Kanals 7 Marlas	Khadoor Sahib	2,00,000/-	3,67,816/-
5.	Ex.A-7	17.09.2012	8 Marlas	Khadoor Sahib	4,00,000/-	80,00,000/-
6.	Ex.A-8	29.05.2010	300 sq. feet	Khadoor Sahib	2,50,000/-	3,63,00,000/-
7.	Ex.A-9	17.09.2012	8 Marlas	Khadoor Sahib	1,07,000/-	21,40,000/-

[10]. From the above, it is apparent that the sale deeds Ex.A-3 to Ex.A-7 and Ex.A-9 pertained to the period post notification under Section 4 of the 1894 Act in the case(s) in hand, thus need not be relied upon for assessing the market value in the present case(s). The sale deed dated 29.05.2010 (Ex.A-8) is the only sale instance which pertained to the period prior to the notification under Section 4 of the 1894 Act in the case(s) in hand, relating to the same revenue estate of village Khadoor Sahib vide which 300 sq. feet of land comprised in Rectangle No.53//11/2 was sold for a sale consideration of Rs.2,50,000/- with base price per acre of approximately Rs.3,63,00,000/-.

[10.1]. From the records, it can be discerned that the land under acquisition forms part of the Rectangle No.51 and 52 and the land parcel of the sale instance dated 29.05.2010 (Ex.A-8) pertains to Rectangle No.53 of the same revenue estate of village Khadoor Sahib, Hadbast No.129, District Tarn Taran. Thus, evidently the land under acquisition as well as the land parcel forming part of the sale instance dated 29.05.2010 (Ex.A-8) were located in the same vicinity and close proximity, accordingly, carried similar locational and potential advantage. In such circumstances, the land parcel forming part of sale instance dated 29.05.2010 (Ex.A-8) pertaining to the period prior to notification under Section 4 of the 1894 Act coupled with the fact that it is located in the immediate vicinity of the acquired land; being the best suitable exemplar, needs to be relied upon for the purpose of assessing market value in the case(s) in hand.

[11]. Moreover, from the material available on record in the form of cross-examination of RW-1 Smt. Seema Singh, Tehsildar, Khadoor Sahib, it was established on record that the acquired land was located in close vicinity of the already developed public institutions like Senior Secondary School and Rest House of DDPO office as well as old Tehsil Complex. In this regard, the cross-examination of RW-1 being relevant is extracted hereunder:-

> *"RW-1 Seema Singh Tehsildar, Khadoor Sahib recalled for cross-examination.*
>
> *It is correct that towards the Eastern side of acquire land there is Gurudwar Tapiana Sahib, Senior Secondary School and Rest House of DDPO, office. It is correct that towards the southern side there is old Tehsil Complex. It is wrong to suggest that the acquire land is commercial land. It is wrong to suggest that market land near the acquire land is Rs.2 Lac per marlas. I cannot tell orally what is the present collector rate at present in the area of village Khadoor Sahib. It is wrong to suggest that I have deposed falsely."*

[12]. That though the sale exemplar dated 29.05.2010 (Ex.A-8) pertains to the small parcel of land measuring 300 sq. feet of land (apparently being for commercial transaction) and the acquired land already being in developed vicinity, a deduction @ 85% over the base price of Rs.3,63,00,000/- per acre derived therefrom would suffice towards smallness of its area, which thus comes to Rs.54,45,000/- per acre.

[13]. Further, in the given facts since the acquisition in the case(s) in hand was carried out for the public purpose, namely, *"establishment/construction of offices and residences of SDM, Tehsil, Naib-Tehsildar and their employees in village Khadoor Sahib"* as such, the respondent/State neither suffered any loss towards optimum utilization of the area acquired nor did it incur expenditure towards providing of additional infrastructural amenities thus, no cut towards development costs needs to be imposed.

[14]. Accordingly, the market value for the land under acquisition is assessed @ **Rs.54,45,000/- per acre** as 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 the 1894 Act (amended upto date). The landowners shall also be entitled for solatium besides award of interest thereupon.

[15]. Besides it, no merit can be found with the submissions made on behalf of the respondent/State that the reference petition preferred at the instance of the appellant(s)/landowner(s) were barred by limitation. In the present case(s), notification under Section 4 of the 1894 Act was issued on 24.12.2010, whereas the Award under Section 11 of the 1894 Act was passed on 31.01.2013. The

certified copy of the Award was applied by the appellant(s)/landowner(s) on 24.06.2013 and the same was prepared and delivered on 11.07.2013 and thereafter, the petition under Section 18 of the 1894 Act was filed in August 2013. Thus, it was apparent that the reference petitions under Section 18 of the 1894 Act were preferred at the instance of the appellant(s)/landowner(s) within six weeks of the knowledge of the contents of the award. Moreover, there was no material produced on record by the respondent/State that any notice under Section 12(2) of the 1894 Act was ever served upon the appellant(s)/landowner(s) or even any of their representative was present at the time of passing of the Award dated 31.01.2013. In such circumstances, there was no illegality or perversity with the finding of fact recorded by the learned Reference Court to the effect that the reference petitions filed at the instance of the appellant(s)/landowner(s) were filed within limitation.

[16]. Consequently, in view of the discussion made hereinabove, the appeal(s) preferred at the instance of appellant(s)/landowner(s) are hereby partly allowed in the aforesaid terms and the appeal(s) filed by the respondent/State are hereby dismissed.

[17]. Wherever the landowner(s) has/have unfortunately expired in the appeal(s)/cross-objection(s) after filing thereof and the legal heirs have not been impleaded, they shall be at liberty to seek execution of the present decision by moving appropriate application(s) before the learned Executing Court.

[18]. All pending application(s), if any, shall also stand disposed of.

(HARKESH MANUJA)
JUDGE

May 01, 2026
Atik

Whether speaking/reasoned Yes/No
Whether reportable Yes/No