

CM Nos.1889-CI & 1890-CI in/& RA-RF No.16-CI of 2018 in RFA No.127 of 2004
with other connected cases

2026:PHHC:04/816



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

154 (21 cases)

CM No.1889-CI & 1890-CI of 2018 in/&
RA-RF No.16-CI of 2018 in
RFA No.127 of 2004 (O&M)
with other 20 connected cases
Date of Decision: 25.03.2026

UNION OF INDIA

.....Appellant

Vs

JABRA SINGH AND ORS.

...Respondent(s)

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

Present: Mr. Arun Gosain, Sr. Panel Counsel, UOI
for the appellant(s).

Ms. Supriya Garg, Advocate
for the respondent(s)/landowner(s).

Mr. Karunesh Kaushal, Asstt. A.G., Punjab.

HARKESH MANUJA, J. (Oral)

[1]. Vide this common order, the present Review Applications bearing RA-RF No.16-CI of 2018 in RFA No.127 of 2004, RA-RF No.20-CI of 2018 in RFA No.84 of 2004, RA-RF No.7-CI of 2018 in RFA No.83 of 2004, RA-RF No.8-CI of 2018 in RFA No.82 of 2004, RA-RF No.18-CI of 2018 in RFA No.81 of 2004, RA-RF No.19-CI of 2018 in RFA No.80 of 2004, RA-RF No.21-CI of 2018 in RFA No.79 of 2004, RA-RF No.10-CI of 2018 in RFA No.78 of 2004, RA-RF No.17-CI of 2018 in RFA No.77 of 2004, RA-RF No.13-CI of 2018 in RFA No.76 of 2004, RA-RF No.9-CI of 2018 in RFA No.75 of 2004, RA-RF No.24-CI of 2018 in RFA No.74 of 2004, RA-RF No.12-CI of 2018 in RFA No.73 of 2004, RA-RF No.23-CI of 2018 in RFA No.72 of 2004, RA-RF No.15-CI of

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2018 in RFA No.71 of 2004, RA-RF No.26-CI of 2018 in RFA No.70 of 2004, RA-RF No.14-CI of 2018 in RFA No.69 of 2004, RA-RF No.11-CI of 2018 in RFA No.68 of 2004, RA-RF No.25-CI of 2018 in RFA No.66 of 2004, RA-RF No.22-CI of 2018 in RFA No.65 of 2004 and RA-RF No.6-CI of 2018 in RFA No.64 of 2004, along with applications for condonation of delay in filing the present review applications as well as applications under Section 149 of Civil Procedure Code, 1908 for permission to make good the deficiency in Court fee, are being decided, as all these review-applications have arisen out of common order dated 19.12.2016 passed by this Court in main case i.e. RFA No.126 of 2004 titled '*Union of India Vs. Gurdass Singh and others*'. Since identical facts and questions of law are involved in all these review applications, therefore, for the sake of brevity, facts are being culled out from RA-RF No.16-CI of 2018 in RFA No.127 of 2004.

[2]. By way of review application, prayer has been made for recalling/reviewing the decision dated 19.12.2016 passed by this Court in the main appeal, on the limited ground that since the Award under Section 11 pertaining to the acquisition in hand was passed by the Land Acquisition Collector (for short the 'LAC') on 30.03.1981, as such the respondent(s)/landowner(s), were not entitled for grant of benefit in terms of Section 23(1-A) of the Land Acquisition Act, 1894 (for short 'the 1894 Act').

[3]. Briefly stating, the land owned by the respondent(s)/landowner forming part of the revenue estates of villages Bhucho Kalan and Bhucho Khurd, Tehsil and District Bathinda was acquired vide notifications dated 08.06.1979 and 26.10.1979 issued under Sections 4 & 6 of the 1894 Act, respectively. The



acquisition was carried out “*for the establishment of the Bathinda Cantonment*”.

Award under Section 11 of 1894 Act was passed by the LAC on 30.03.1981.

[4]. Being aggrieved thereof, some of the landowners filed objections under Section 18 of the 1894 Act. The learned Reference Court vide its decision dated 06.11.1985 re-assessed the market value and in addition thereof, granted benefit of Section 23 (1-A) of the 1894 Act in favour of the landowners.

[5]. The aforesaid decision of the learned Reference Court was assailed by the landowners before this Court by way of filing Regular First Appeals, which were disposed of vide decision dated 21.05.1987 passed in RFA No.440 of 1986 titled ‘*Zora Singh Vs. Union of India and others*’ followed by the decision dated 30.01.1989 passed by this Court in Bunch of LPAs with the leading case being LPA No.1251 of 1987 titled ‘*Zora Singh vs. Union of India and another*’ preferred at the instance of both the landowners as well as Union of India.

[6]. The issue with respect to the determination of market value was taken to the Hon’ble Apex Court, which was decided vide judgment dated 22.11.1991 in case titled ‘*Union of India Vs. Zora Singh*’ reported as ‘1992(1) SCC 673’ Pertinently the Hon’ble Apex Court while making adjudication, deliberated upon the issue of grant of benefit in terms of Section 23(1-A) of the 1894 Act, and it was held that in relation to the acquisition in hand, the landowners were entitled for the benefit of the provisions of Section 23 (1-A) of the 1894 Act. Relevant portion of the decision rendered in *Zora Singh’s* case (supra) is extracted hereunder:-

“We find that this decision which was rendered by a Constitution Bench of this Court comprising 5-learned Judges runs in no way counter to the view which we have taken, in fact, it leads some support to the view which we are taking. In the case before us, as the Reference Court has made

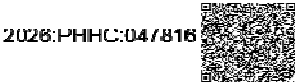


its award after September 24, 1984 the benefit of the provisions of Section 23(1-1) was clearly available to the claimant as held in the impugned judgment.”

[7]. In the meanwhile, based on the learned Reference Court’s Award dated 06.11.1985, the respondents/landowners, preferred application under Section 28-A of the 1894 Act, which were disposed of by the LAC vide decision dated 20.11.1998. In the said decision, the respondents/landowners were granted enhanced compensation as well as the benefit under Section 23 (1-A) of the 1894 Act in terms of the Reference Court’s Award dated 06.11.1985.

[8]. Still aggrieved, the respondents/landowners preferred application under Section 28-A(3) of the 1894 Act with a prayer for seeking re-determination of compensation in terms of decision rendered by the Hon’ble Apex Court in Zora Singh’s case (supra). The said Reference Petition was disposed of by the learned Additional District Judge, Bathinda-cum-Reference Court vide decision dated 12.11.2001, granting enhanced market value to the respondents/landowners in terms of decision rendered in the aforecited case by the Hon’ble Apex Court while upholding the grant of benefit under Section 23(1-A) of the 1894 Act as well. The relevant para nos.16 to 18 of the decision dated 12.11.2001 passed by the learned Reference Court is extracted hereunder:-

“16. In view of my above discussion, and the law laid in case titled as Babua Ram and others Vs. State of U.P. and another (supra), the Award dated 20.1.1998, passed by the Collector under Section 28 (A-2) stands set aside and the market value of the acquired land at the time of Notification under Section 4 of the Act, is assessed as under, as held by the Hon’ble High Court in Letters Patent Appeal No.1251 of 1987 titled as Zora Singh Vs. Union of India, Ex.A1:-



i)	<i>For the land within the abadi and abutting the National Highway on either side upto the depth of 500 meters.</i>	<i>Rs.90,000/- per acre</i>
ii)	<i>For Chahi/Nehri or Chahi Nehri Land</i>	<i>Rs.50,000/- per acre</i>
iii)	<i>For Barani</i>	<i>Rs.38,000/- per acre</i>
iv)	<i>For Banjar Kadim or Gair mumkin land</i>	<i>Rs.30,000/- per acre</i>

This issue is, accordingly, decided in favour of the claimants/petitioners.

17. In view of my findings on Issue No.1 the claimant/petitioners are held entitled to receive and recover compensation for their acquired land at the following rate:

i)	<i>For the land within the abadi and abutting the National Highway on either side upto the depth of 500 meters.</i>	<i>Rs.90,000/- per acre</i>
ii)	<i>For Chahi/Nehri or Chahi Nehri Land</i>	<i>Rs.50,000/- per acre</i>
iii)	<i>For Barani</i>	<i>Rs.38,000/- per acre</i>
iv)	<i>For Banjar Kadim or Gair mumkin land</i>	<i>Rs.30,000/- per acre</i>

18. They will also be held entitled other statutory benefit i.e. additional benefits at the rate of 12% per annum from the date of Notification till the Award or the taking of possession which ever is earlier, under Section 23(1-A) and solatium at the rate of 30% P.A. under Section 23(2) of the Act, along with interest at the rate of 9% P.A. For the first year and at the rate of 15% for the subsequent period till actual realization, but on the enhanced amount of compensation with effect from the date of possession or the Award, whichever is earlier. The interest shall be paid only on the enhanced amount of compensation and no on the solatium of the amount of compensation already paid to them. Accordingly all the claim-petitions stand accepted and allowed with costs.”



[9]. Aggrieved thereof, Regular First Appeals were preferred at the instance of appellant/Union of India, which were disposed of by this Court vide judgment dated 19.12.2016 passed in lead case bearing RFA No.126 of 2004. The relevant portion therefrom is extracted hereunder:-

“This order shall dispose of RFA Nos. 126, 127, 74, 66, 82, 71, 78, 79, 72, 77, 81, 69, 75, 83, 65, 76, 73, 70, 68, 64, 80 and 84 of 2004.

Learned counsel for the appellant submits that the matter in issue is squarely covered by the judgment dated 21.05.1987, rendered by this court in RFA No.440 of 1986 (Zora Singh and others Versus Union of India and others), and other connected matters, vide which in the appeals arising out of the same acquisition this Court had enhanced the compensation awarded to the landowners. And, an appeal preferred against the said judgment by the appellant (Union of India), LPA No.1251 of 1987, was dismissed by the Division Bench on 30.01.1989. So much so, even the SLP filed by the appellant against the order dated 30.01.1989, passed by the LPA Bench (Union of India and another Vs. Zora Singh etc.) also stands dismissed on 22.11.1991, by the Hon'ble Supreme Court. Therefore, he submits that the present appeals being squarely covered by the afore indicated decisions shall meet the same fate.

Accordingly, the appeals are dismissed.”

However, present review application(s) have been filed being aggrieved of the award of benefit under Section 23(1-A) of the 1894 Act to the respondent(s)/landowner(s).

[10]. I have heard learned counsel for the parties and gone through the paper book as well as records of the case(s).

[11]. In the humble opinion of this Court, once the identically placed landowners pertaining to the present acquisition proceedings have been awarded the benefit of the provisions of Section 23 (1-A) of the 1894 Act in terms of the



decision rendered by the Hon'ble Apex Court in Zora Singh's case (supra), no merit can be found with the submissions made on behalf of learned counsel for the applicant/Union of India that the respondents/landowners were not entitled for the same benefit.

[12]. Furthermore, once the land of the respondents/landowners was acquired under the same notification dated 08.06.1979 issued under Section 4 of the 1894 Act, as that in Zora Singh's case (supra), they cannot be subjected to any form of discrimination with respect to the assessment of market value and grant of other statutory benefits under the 1894 Act, especially in view of categoric observations made by the Hon'ble Apex Court in the aforecited case, wherein it was recorded that the award by the learned Reference Court was passed after coming into operation of the amended Act No.68 of 1984 in the case(s) in hand and thus, the learned Reference Court was well within its jurisdiction to grant the benefits in terms of Section 23 (1-A) of the 1894 Act to the landowners. At the cost of repetition, para no.18 from the decision of Zora Singh's case (supra) is extracted hereunder:-

“18. As far as the decision of a Division Bench comprising two learned Judges of this Court in Union of India and others v. Filip Tiago De Gama of Vedem Vasco De Gama strongly relied upon by the appellants is concerned, we find that in that case the Land Acquisition Officer made his award determining the compensation on March 5, 1969. On a reference under Section 18 the Civil Court made its award on May 2, 1985, that is, even after September 24, 1984, when the Amendment Act of 1984 came into effect. The view taken by the Division Bench is that, as the Collector had made his award before April 30, 1982, then the additional amount referred to in Section 23(1-A) could not be awarded. This view has been taken on the basis on the basis that sub-section (1)(b) of Section 30 of the said Act provides that the provisions of Section 23(1-A) shall be applicable



to every acquisition proceeding commenced after April 30, 1982, irrespective of the fact whether the Collector has made the award on or before September 24, 1984, and that sub-section (a) of Section 30 does not refer to court award and the court award is used only in sub-section (2) of Section 30. (See para 21 of the said report). We find that on the plain language of Section 23(1-A) itself, which we have set out earlier, the duty was cast on the Court to award an additional amount calculated as prescribed therein which would mean that it is directed to be awarded by the court, namely the Reference Court, in all cases which are pending before that court on September 1, 1984, Sub-section (1)(a) of Section 30 undoubtedly lays down that the provisions of Section 23(1-A) of the Act are also made applicable to all the proceedings for the acquisition of any land under the said Act pending on April 30, 1982, where no award had been made by the Collector before that date. At first glance this would appear to suggest that the additional amount referred to in Section 23(1-A) could not be awarded where the Collector had made his award before April 30, 1982. But this provision cannot be allowed to cut down the benefits available to the claimants on a plain reading of Section 23(1-A). This is clear from the use of the word "also" in the opening part of section 30(1-A). In our opinion the view taken by the Bench comprising two learned Judges of this Court in that case cannot be accepted as correct as it is too narrow and unduly cuts down the operation of the benefit conferred under the plain language of section 23(1-A) of the said Act. As far as the provisions of section 30(2) are concerned, we do not feel that we are called upon to interpret the same in this decision. In our view, therefore, the said decision cannot be accepted as good law in so far as it lays down that in order to bring the provisions of Section 23(1-A) of the said Act into play the Collector must have made his award after April 30, 1982."

[13] In view of aforesaid observation, finding no merit in the present applications for recalling/reviewing the decision dated 19.12.2016 passed by this Court in the main appeal(s), the same are dismissed being devoid of merits.

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[14]. Since all the review applications have been dismissed on merit, therefore, there is no need to adjudicate upon the applications filed for condonation of delay in filing the present review applications as well as for making good the deficiency in Court fee. Any other, pending application(s), if any shall also stand disposed of.

[15]. A photocopy of this order be placed on the files of connected case(s).

March 25, 2026
Atik

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No