

2026-PHHC-008985



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

CWP-35373-2025 (O&M)
Decided on:-21.01.2026

Gurdip Singh

....Petitioner

vs.

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Satbir Rathore, Advocate,
Ms. Jyotika Behl, Advocate and
Mr. Vinod Pundir, Advocate,
for the petitioner.

Mr. Harmanjot Singh Gill, Advocate,
for respondent No.2.

Mr. Athar Ahmed, DAG, Punjab.

HARKESH MANUJA J. (Oral)

1. By way of present writ petition, challenge has been laid to an award dated 19.11.2025 (Annexure P-12) passed by learned Arbitrator-cum-Commissioner, Jalandhar Division, Jalandhar-respondent No.4, whereby, the claim of the petitioner for enhancement of market value against his acquired land has been dismissed on the ground that *khasra* number mentioned in the arbitration petition was incorrectly mentioned.

2. Briefly stating, 2 kanals & 9 marlas of land forming part of *khasra* No.31//18 situated in the revenue estate of Village Khanpur, Tehsil Mukerian, District Hoshiarpur, owned by the petitioner came to

be acquired vide notifications dated 24.12.2004 and 11.07.2005 issued under Sections 3-A and 3-D respectively of the National Highways Act, 1956 (**for short, "1956 Act"**). Award by respondent No.3 was passed on 14.12.2007, whereby, the market value was assessed @ Rs.6875/- per marla.

3. Being aggrieved, the petitioner-landowner invoked Section 3G (5) of the 1956 Act by filing an arbitration petition before respondent No.4, which was disposed of vide decision dated 05.04.2010 (Annexure P-2), while reassessing the market value @ Rs.31,250/- per marla. Aggrieved thereof, respondent No.2 invoked Section 34 of the Arbitration and Conciliation Act, 1996 (**hereinafter referred to as "1996 Act"**), which was allowed by the learned Additional District Judge, Jalandhar vide its decision dated 30.07.2011 (Annexure P-3) with the following observations:-

"4.The impugned award would show that the Arbitrator overlooked Clauses (b), (c) and (d) of Section 3 (G) (7) of the Act altogether and hardly any sustainable reason has been spelt out for arriving at the figure of market value of the land at the time of publication of notice of acquisition. The Arbitrator is required to record evidence in whatever manner he likes the evidence of the parties and then to appreciate and appraise the same for passing the award in any way but with reasons. In view of the above, the award dated 05.04.2010 is set aside and the matter is remanded back to the Arbitrator to decide the matter afresh after taking into consideration all the aspects as stipulated by Section 3-G (7) (a) to (d) of the Act, as the both parties are aggrieved from the award. The Arbitrator shall expedite the matter as early as possible, as public and national interest is involved i.e. construction of National Highway. The parties are directed to appear before the Arbitrator on 16.08.2011.

File be consigned to the record room."

4. The aforesaid decision dated 30.07.2011 was challenged at the instance of petitioner-landowner having preferred FAO-2749-2017, titled as **"Gurdeep Singh vs Union of India and others"**, which was disposed of vide decision dated 04.05.2023 (Annexure P-4) without interfering with the decision dated 30.07.2011. Thereafter, the learned Arbitrator vide its award dated 19.11.2025 (Annexure P-12) dismissed the arbitration application preferred at the instance of petitioner. Relevant para 11 thereof is extracted hereunder:-

"11. After hearing the detailed arguments of both the parties and perusing the record, it has been noted that the land in village Khanpur was acquired vide notification for acquisition of land U/s 3(A) of National Highway Act issued on 24.12.2004. The applicant has in his claim petition dated 01.08.2008 and application dated 04.08.2023 that he is owner of land falling in Khasra No. 33//18 (6-4), whereas, the counsel for the respondents No.1 and 2 has stated that the land measuring 2 Kanals 9 Marlas comprised in Khasra no.31//18 (2-9) situated at Village Khanpur Tehsil Mukerian, District Hoshiarpur has been acquired vide Notification under Section 3A bearing S.O. No. 1422 (E) dated 24.12.2004. The counsel further stated that the land measuring 2 Kanals 9 Marlas comprised in Khasra no 33//18 as alleged by the applicant in the petition has never been acquired by the respondents. The onus was upon applicant to prove that land comprising khasra no.33//18 was acquired by the respondents. The applicant has tendered evidence wherein he has placed on record notification U/s 3(A) dated 24 12.2004 and copy of award vide which land of the applicants was acquired. In the notification dated 24.12.2004, the Khasra No.33//18 (6-4) does not find mention. As such, the applicant has not approached the court with clean hands and has suppressed true and material facts. Accordingly, present application is dismissed

being devoid of merits.

File be consigned to the Record Room after usual formalities.”

5. I have heard learned counsel for the parties and gone through the paper book.

6. A perusal of record shows that inadvertently on account of typographical error, the petitioner in his arbitration application preferred under Section 3G (5) of the 1956 Act mentioned the details of the land as Khasra No.33//18 (6 kanals & 4 marlas), however, in fact as per records, the land acquired by respondent No.2 formed part of Khasra No.31//18 (2 kanals & 9 marlas) situated in the revenue estate of Village Khanpur and this fact was even admitted by respondent No.2 in paragraph No.1 of its written statement filed before the learned Arbitrator. The same is extracted hereunder:-

“1. That para No.1 of the application is wrong and denied. The applicant has not mentioned the true facts. Land comprised in Khasra No.31//18/2 (2-9) Nehri situated at Village Khanpur, Tehsil Mukerian, District Hoshiarpur has been acquired. The acquired land has been classified as Nehri and assessed @ Rs.6875/- per marla. The applicant has been paid Rs.3,36,875/- on account of compensation for the land. There was no structure on the acquired land.”

Although, the aforesaid *bonafide* mistake about incorrect mentioning of khasra number of land was pointed out by respondent No.2 in his written statement, yet no effort was ever made by the petitioner to rectify the same in his pleadings. However, in the humble opinion of this Court, for such inadvertent human error, the claim of the petitioner-landowner could not have been rejected by the learned

Arbitrator for the reasons that from the material available on record, it was never disputed either by the National Highway Authority of India or even by CALA that the land owned by the petitioner-landowner, forming part of Khasra No.31//18 (2 kanals 9 marla) was in fact acquired for public purpose.

6.1 Moreover, the petitioner-landowner having not accepted the award passed by respondent No.3 filed arbitration application in terms of Section 3G (5) of the 1956 Act and the said statutory provision nowhere mandates or calls upon the landowner to provide the details of the acquired land especially when respondent No.2-NHAI being the beneficiaries and respondent No.3-CALA being the authority, which is carrying out the entire process of acquisition followed by passing of award and disbursement of compensation is conscious and in the knowledge of all the material facts including the details of the acquired land owned by the landowner-applicant.

7. It must be borne in mind that when a government authority compulsorily acquires land, the owner is not voluntarily parting with the property but is being deprived of it by the State, therefore it is imperative that the landowner is awarded just and adequate compensation. An already aggrieved landowner, dissatisfied with the compensation assessed by the competent authority, ought not to be subjected to further hardship by dismissal of a claim for enhancement merely on account of typographical mistakes or technical irregularities in the pleadings.

8. Under Section 3G(5) of the National Highways Act, 1956, the Arbitrator is entrusted with the responsibility of ensuring that the

compensation awarded is fair, just, and reasonable. This role necessarily requires the arbitrator to look beyond mere technicalities and to adjudicate the dispute on its merits. The primary aim of legal proceedings, particularly in matters relating to compensation, is to secure equitable justice. Rejection of claims on hyper-technical grounds, when substantive rights are otherwise evident, would be wholly inconsistent with the spirit of justice.

9. It is worth reiterating that the very object of the process of arbitration is to provide parties with a prompt, efficacious, and less cumbersome forum for resolution of disputes, thereby avoiding the delays and procedural rigours of ordinary litigation. Where an Arbitrator dismisses a claim for enhancement of compensation solely on the ground of a typographical error in the claim petition, landowners are compelled to approach higher forums, defeating the quintessential purpose of arbitration.

10. In such circumstances, rather than rejecting the arbitration application preferred at the instance of petitioner merely on the basis of trivial technicalities, the learned Arbitrator was required to take note of the factual aspects available on record with respect to the acquisition of 2 kanals 9 marlas of land falling in Khasra No.31//18, situated in Village Khanpur, owned by the petitioner-landowner and was thus required to adjudicate the claim on merits. Even as per the admission and the facts stated in the written statement preferred before the learned Arbitrator, the learned Arbitrator was thus required to adopt a more pragmatic approach rather than going too technical thereby causing serious prejudice to

the rights of the petitioner-landowner who is entitled for just and fair compensation against compulsory acquisition of his land in terms of the object and purpose of the statute under discussion. In such circumstances, respondent No.4 having acted in undue haste and without any justifying reasons while rejecting the arbitration application preferred at the instance of petitioner-landowner, the impugned order dated 19.11.2025 (Annexure P-12) passed by respondent No.4 is hereby quashed.

11. Further, a perusal of record shows that the present acquisition pertains to Village Khanpur, Tehsil Mukerian, District Hoshiarpur, which was initiated vide notification dated 24.12.2004 issued under Section 3-A of the 1956 Act, followed by award dated 14.12.2011 passed by respondent No.2 and with respect to the identically placed other landowners of same acquisition, the market value for the same nature of land has been assessed @ Rs.1,45,000/- per marla in their favour vide award dated 23.11.2020 (Annexure P-6) passed by the learned Arbitrator. The operative part thereof is extracted hereunder:-

“10. Having considered the arguments filed by both the sides, and considering the papers and evidence on file, as well as the judgement of the Hon'ble Supreme Court in Union of India vs. Tarsem Singh & ors. In Civil Appeal no. 7064 of 2019, pronounced on 19.9.2019, including recent judgements of the Hon'ble High Court of Punjab & Haryana, my Award is as follows:

- i. The applicant is awarded Rs. 1,45,000/- (one lac forty five thousand) per marla for the acquired land, as per his share, which I consider to be fair and reasonable.*
- ii. The applicant will be entitled to interest as per the*

provisions of s. 28 of the Land Acquisition Act, 1894, 9% per annum on the excess amount, for the 1 year from the date of taking possession of the land to the date of payment, and 15% per annum shall be payable from the date of expiry of said period of one year on the amount of such excess or part thereof which has not been paid before the date of such expiry.

iii. Easement amount of 10% is permitted.

iv. The applicant is also awarded additional compensation @ 12% per annum on the market value assessed, for a period commencing on or from the date of publication of the notification under s. 4 upto the date of award of the CALA or the date of taking possession of the land, whichever is earlier, as per section 23(1)(A) of Land Acquisition Act, 1894, in the view of recent judgment dated 19.9.2019 passed by Hon'ble Supreme Court of India in case titled as Union of India v/s Tarsem Singh & others.

v. The applicant is also awarded Solatium amount 30% on such assessed market-value, in consideration of the compulsory nature of acquisition, as per provisions of section 23(2) of Land Acquisition Act.

11. Competent Authority-cum-Land Acquisition Collector, Mukerian, is directed to re-calculate the due amount as per this Award, within 30 days from receipt of copy of this award, taking into consideration the actual area acquired of applicant, his share therein, and to convey to NHAI for payment as decided above, and said enhanced amount be paid to the applicant as per share after deducting the amount already paid."

12. The said award dated 23.11.2020 in case of **“Waryam Singh vs. UOI and others”** in MA No.171 of 2011 was assailed at the instance of respondents No.1 and 2 before the Id. Additional District Judge, Jalandhar having invoked Section 34 of the 1966 Act, however, the said petition was dismissed vide decision dated

13.02.2023 and thus, the adjudication dated 23.11.2020 passed by Commissioner, Jalandhar Division-cum-Arbitrator with respect to the market value @ Rs.1,45,000/- per marla has become final.

13. In view of the aforesaid, by applying the principle of parity and to maintain the equality and uniformity, the petitioner-landowner being identically placed is awarded the benefit of same market value @ Rs.1,45,000/- per marla along with all other statutory benefits permissible and awarded in terms of decision dated 23.11.2020 against acquisition of his land forming part of *khasra* No.31//18 (2 kanals 9 marlas) situated in Village Khanpur, Tehsil Mukerian, District Hoshiarpur. The present writ petition is thus allowed in the above terms.

14. Pending applications, if any, also stand disposed of.

21.01.2026
Sonika/sanjay

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No