



**RFA-9052-2014(O&M)  
and other connected cases**

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

**RFA-9052-2014(O&M)  
and other connected cases  
Reserved on : 04.02.2025  
Date of decision: 21.04.2025**

**Jawali Bai Nathu Ram Ahuja Educational Charitable Trust**

**..Appellants**

**Versus**

**Union of India and others**

**..Respondents**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Piyush Setia, Advocate  
for the appellant in RFA Nos.3147 & 3148 of 2016.

Mr. C.M. Munjal, Advocate  
for the appellant.

Mr. Sunil Kumar Sharma, Sr. Panel Counsel  
for the respondent-UOI in RFA-9052-2014.

Mr. Brijeshwar Singh Kanwar, Sr. Panel Counsel  
for the respondents-UOI in RFAs No. 225 to 230 of 2015.

**ANIL KSHETARPAL, J.**

**1. Preface:-**

1.1 With the consent of the learned counsel representing the parties, a batch of 40 connected cross appeals (details whereof are at the foot of the judgment) shall stand disposed of by this common order.

1.2 In all these appeals, market value of the acquired land for construction of Abohar Fazilka New Broad Gauge Railway line has come up for assessment. The necessary and important details of acquisition are as under:-



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28.03.2003	Notification under section 4 of the 1894 Act was published.	
26.08.2004	Notification under Section 6 was published The land was acquired from Village Awa, Khuikhera, Dangerkhera, Heranwali, Ghallu, Jandwala Kharta, Sultanpura and Abohar-II (grouping report on the top of the paperbook), District Ferozepur.	
14.07.2006	With respect to acquired land located in villages Awa, Khuikhera, Dangerkhera, Heranwali, Ghallu, Jandwala Kharta and Sultanpura the LAC offered to pay Rs.2,25,000/- per acre for agricultural land. In Village Sultanpura, Rs.7,00,000/- per acre was awarded for acquisition of Gair Mumkin land i.e non-agricultural.	
28.02.2005	With respect to Village Abohar-II, the LAC assessed the market value in the following manner:-	
	Sr. No.	Particulars
		Amount
	1.	Land measuring 3 kanals 8 marlas
		Rs.48 lacs per acre
	2.	Land measuring 31 kanals 12 marlas
		Rs.19,20,000/- per acre
	3.	Land measuring 88 kanals 3 marlas
		Rs.3 lacs per acre
	4.	Land measuring 89 kanals 8 marlas
		Rs.6 lacs per acre
	5.	Land falling with revenue limit of Village Burj Muhar measuring 413 kanals 15 marlas
		Rs.3 lacs per acre
	For construction, cost of Well and Tubewell, cost of trees and fruit garden were assessed in the following manner:-	
	Sr.No.	Particulars
		Amount
	1.	Cost of building & Structure
		Rs.2,49,859/-
	2.	Cost of Well & tubewell
		Rs.1,06,953/-
	3.	Cost of trees
		Rs.1,23,393/-
	4.	Cost of fruit garden
		Rs.13,060/-

1.3 The Reference Court (hereinafter referred to as 'RC') dismissed all the petitions filed under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as '1894 Act') by separate awards passed on 31.05.2014, 16.08.2014, 16.09.2014, 07.10.2014, 14.07.2014, 31.05.2014 and 25.07.2014.

**2. Arguments Addressed:-**



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2.1 In all these batches, the landowners claim that the acquired land was located near Abohar Town and had potential to be used for residential and commercial purpose. While relying upon Ex. P1, layout plan produced by the landowners, it has been argued that the acquired land was near the National Highway and the bypass road. There exists Alpine School, Baba Singh Nagar Khalsa College, Central Institute of Post Harvesting and Engineering & Technology Research Centre, Educational Institution, Nursing Home and various residential colonies near the acquired land. They further submit that the RC has erred in overlooking award Ex.P26, announced by the Land Acquisition Collector (hereinafter referred to as 'LAC') assessing the market value with respect to the acquisition of land in village Awa. They also rely upon application filed for permission to lead additional evidence in RFA-9743-2014.

2.2 Per contra, learned counsel representing the UOI has submitted that the LAC has assessed the amount after taking into consideration its quality and location of the acquired land. While referring to LAC's award of Village Sultanpura, learned counsel submit that Gair Mumkin land was assessed at the rate of Rs.7,00,000/- per acre whereas in the area of Abohar II the acquire land was assessed at a much higher price.

**3. Discussion & Analysis:-**

3.1 This Court has considered the submissions made by the learned counsel representing the parties and analyzed their arguments.

3.2 The landowners have also examined a significantly large number of witnesses in their oral evidence to prove the location of the property.



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3.3 In the cases arising from Village Sultanpura, the landowners have relied upon the following sale instances:-

Exhibit	Date	Area	Rate	Rate per acre
P-17	07.04.2004	150 sq. feet	300/- per feet	1,32,00,000
P-19	15.09.2005	3 marlas	25000/- total	13,33,333.33
P-21	29.09.2004	8 marlas	6000/- per marla	9,60,000
P-23	16.11.2005	1 marla	67,500/- total	1,08,00,000
P-25	21.01.2005	360 sq. feet	36,000/- total	44,00,000
P-67	02.06.2003	4 marlas	48,000/- total	19,20,000

3.4 On the other hand, UOI has relied upon the following sale instances:-

Exhibit	Date	Area	Rate	Rate per acre
R-34	12.05.2003	34 kanals 14 marlas	7,37,500/- total	1,70,028.8
R-35	24.05.2004	10 kanals 2 marlas	2,15,000/- total	1,70,247.03

3.5 As per Part I of Section 23 (1) of the 1894 Act, the market value of the acquired land is required to be assessed, the date of publication of notification under Section 4 i.e. 28.03.2003. All the sale instances produced by the landowners are with respect to the period post 28.03.2003. Similar is the position of the sale deeds produced by the respondent.

3.6 A perusal of the various layout plans proves that a narrow strip of land was acquired for laying new broad gauge railway line. Most of the acquired land is at a distance from residential and commercial area. No doubt, a bypass road is located near the acquired land. However, that itself



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is not sufficient to assess the market value of the acquired land. The bypass road has been constructed for bypassing Abohar city while going towards Ganganagar which is located in the State of Rajasthan. Near the acquired land, National Highway no.10, which is known as Malout Road is located.

3.7 All the educational and commercial establishments are located on either on the bypass road or the National Highway. Certain residential colonies have been shown in the site plan however, these are located at a sufficient distance.

3.8 For assessing the market value of the acquired land, the landowners are required to lead concrete evidence to prove that the amount offered by the LAC was insufficient. As already noticed, the sale deeds relied upon by the landowners are with respect to the period post notification under Section 4 i.e 28.03.2003. The RC in the separate awards has discussed the evidence in detail and found that there is no evidence to prove that the amount offered by the LAC was not sufficient. In fact, if we examine the sale deeds produced by UOI, it becomes evident that the agricultural land was being sold at a price less than the amount offered by the LAC. Vide sale deed Ex.R-35, more than 1 acre of land i.e 10 Kanals 2 Marlas was sold after one year and two months from the date of notification under Section 4 for Rs.2,15,000/-. It depicts that the land was being sold below Rs.2,00,000/- per acre. Similarly, Ex.R34 also proves that the land was being sold at a price lower than Rs.2,00,000/- per acre.

3.9 In RFA no.9743 of 2014, the landowners have filed an application (CM-3673-CI-2023) under Order XLI Rule 27 of the Code of Civil Procedure, 1908 (hereinafter referred to as 'CPC') to produce copy of



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judgment passed on 29.03.2019 in RFA-3133-2008 State of Punjab and another vs. Surinder Ahuja and another, site plan. The market value of the acquired land vide notifications dated 14.11.2000 and 24.11.2000 with respect to the following villages was assessed as follows:-

			Ref. Court Award date	Difference
1.	Sabuana	25.35 acre	22.09.2006	10% only Severance
2.	Odian/Qddian	51.01 acre	22.09.2006 17.12.2007	10% only Severance 5 lakhs plus 50% severance
3.	Karni Khera	50.21 acre	13.11.2007	5 lakhs plus 50% severance
4.	Awa	33.14 acre	11.10.2007	Rs.2,56,000+ 3 lakhs 10% severance
5.	Kotha	15.76 acre	11.10.2007	Rs.2,56,000 10 % severance
6.	Alamshah	31.88 acre	20.02.2007 10.01.2008	20% only severance Rs.5 lakhs 50% severance
7.	Salem Shah	46.26 acre	18.07.2007	10% only severance
8.	Mauzam	6.96 acre	04.08.2007	20% only severance
9.	Dona Sikandari	13.2 acres (as per award of LAC)	28.03.2007	Rs.2,56,000/- + 20% severance
10.	Muhar Kheewa	52.83 acre	28.03.2007	Rs.2,56,000/- + 20% severance
11.	Muhar Jamsher	17.72 acre	28.03.20070	Rs.2,56,000/- + 20% severance

3.10 In the aforesaid batch of appeals, the market value of the acquired land in Village Awa was also assessed. The appellant prays for grant of increase on the basis of market value assessed in the aforesaid judgment. It may be noted here that vide notification dated 14.11.2000 and 24.11.2000 the land was acquired for the purpose of construction of Aspal Extension Drain/Ditch Channel from RD no.0 to 62500 falling in Satluj River. However, there is no evidence that the location of acquired land vide notification dated 14.11.2000 and 24.11.2000 was comparable with the acquired land vide notification dated 28.03.2000 for construction of Abohar Fazilka New Broad Gauge Railway Line. In the layout plan produced by the



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appellant the location of Railway Line has been reflected whereas location of drain has not been shown. In the absence thereof, it is not possible to compare the location of the land acquired through two different notifications. Hence, the application for additional evidence is dismissed.

3.11 In the additional evidence, the appellant does not claim that through notifications dated 14.11.2000 and 24.11.2000, his land located in the vicinity was acquired. He is only making a reference to acquisition of land from the same village. The price of the entire land in a village is not likely to be uniform. It depends upon the location, quality of soil and connectivity and various other factors. Hence, it would not be appropriate to assess the market value on the basis of the market value assessed for a different notification.

**4. Decision:-**

4.1 Consequently, finding no merit, all these appeals are dismissed.

4.2 All the pending miscellaneous applications, if any, are also disposed of.

**(ANIL KSHETARPAL)  
JUDGE**

**21.04.2025**

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*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*

Sr. No.	Case No.	Appellant(s)	Respondent(s)
1.	RFA-9052-2014	JAWALI BAI NATHU RAM AHUJA EDUCATIONAL CHARITABLE TRUST	UNION OF INDIA & ORS
2.	RFA-9332-2014	SANJEEV KUMAR AND ANR	UNION GOVERNMENT OF INDIA & ORS
3.	RFA-9333-2014	SATISH CHANDER	UNION GOVERNMENT OF INDIA & ORS
4.	RFA-9334-2014	TILAK RAJ	UNION GOVERNMENT OF INDIA & ORS



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5.	RFA-9335-2014	RAJESH KUMAR	UNION GOVERNMENT OF INDIA & ORS
6.	RFA-9336-2014	DARSHNA RANI	UNION GOVERNMENT OF INDIA & ORS
7.	RFA-9337-2014	KISHORE SINGH AND ORS	UNION GOVERNMENT OF INDIA & ORS
8.	RFA-9338-2014	SHIVANI	UNION GOVERNMENT OF INDIA & ORS
9.	RFA-9339-2014	SUBHASH CHANDER	UNION GOVERNMENT OF INDIA & ORS
10.	RFA-9340-2014	NEELAM RANI & ANR	UNION GOVERNMENT OF INDIA & ORS
11.	RFA-9341-2014	RAKESH KUMAR	UNION GOVERNMENT OF INDIA & ORS
12.	RFA-9342-2014	DARSHNA RANI & ORS	UNION GOVERNMENT OF INDIA & ORS
13.	RFA-9343-2014	RAJESH KUMAR AND ORS	UNION GOVERNMENT OF INDIA & ORS
14.	RFA-9606-2014	MANISH KATARIA AND ORS.	UNION GOVERNMENT OF INDIA & ORS
15.	RFA-9607-2014	MANOJ KUMAR	UNION GOVERNMENT OF INDIA & ORS
16.	RFA-9743-2014	VINAY SETIA	UNION GOVERNMENT OF INDIA & ORS
17.	RFA-10448-2014	DALBIR SINGH & ORS	UNION GOVT. OF INDIA & ORS
18.	RFA-10449-2014	MUKAND LAL	UNION GOVT. OF INDIA & ORS
19.	RFA-10450-2014	MAHABIR	UNION GOVT. OF INDIA & ORS
20.	RFA-10451-2014	MOHAN LAL & ANR	UNION GOVERNMENT OF INDIA & ORS
21.	RFA-10452-2014	PRITAM DASS	UNION GOVERNMENT OF INDIA & ORS
22.	RFA-10453-2014	SHANTI DEVI & ORS	UNION GOVERNMENT OF INDIA & ORS
23.	RFA-10454-2014	YOG RAJ & ORS	UNION GOVERNMENT OF INDIA & ORS
24.	RFA-10455-2014	JAGDISH DASS ALIAS JAGSIR DASS THROUGH HIS LRS	UNION GOVERNMENT OF INDIA & ORS
25.	RFA-10456-2014	OM PARKASH & ANR	UNION GOVERNMENT OF INDIA & ORS
26.	RFA-10593-2014	BHARTI DEVI AND ORS	UNION GOVERNMENT OF INDIA & ORS
27.	RFA-225-2015	ASHOK KUMAR & ORS	UNION GOVT. OF INDIA & ORS
28.	RFA-226-2015	RAJINDER KUMAR & ORS	UNION GOVT OF INDIA



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			& ORS
29.	RFA-227-2015	VIJAY SINGH & ORS	UNION GOVT OF INDIA & ORS
30.	RFA-228-2015	RAJINDER KUMAR & ORS	UNION GOVT. OF INDIA & ORS
31.	RFA-229-2015	ASHOK KUMAR & ORS	UNION GOVT. OF INDIA & ORS
32.	RFA-230-2015	ASHOK KUMAR & ORS	UNION GOVT. OF INDIA & ORS
33.	RFA-30-2015	DHARAMPAL DECEASED THROUGH HIS LRS & ORS	UNION GOVERNMENT OF INDIA & ORS
34.	RFA-2931-2015	NAND KISHORE AND ANR	UNION OF INDIA AND ORS
35.	RFA-3147-2016	NIRMALJIT SINGH	THE LAND ACQUISITION COLLECTOR, ABOHAR & ORS.
36.	RFA-3148-2016	RAMANDEEP SINGH & ANR.	THE LAND ACQUISITION COLLECTOR, ABOHAR & ORS.
37.	RFA-3149-2016	JASMER KAUR	THE LAND ACQUISITION COLLECTOR, ABOHAR & ORS.
38.	RFA-3912-2016	GURDIT SINGH	THE LAND ACQUISITION COLLECTOR, ABOHAR & ORS.
39.	RFA-4134-2016	SHIVRAJ SINGH	THE LAND ACQUISITION COLLECTOR, ABOHAR & ORS.
40.	RFA-4135-2016	HARINDER SINGH	THE LAND ACQUISITION COLLECTOR, ABOHAR & ORS.

**21.04.2025**  
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**(ANIL KSHETARPAL)**  
**JUDGE**