



115 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

RFA-2979-1992 (O&M)

Date of decision : 03.05.2025

Smt. Manjit Kaur and another

...Appellants

Vs.

General Manager, Northern Railway  
and others

...Respondents

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

Present: Mr. Harsh Aggarwal, Advocate  
for the appellants.

Dr. D.S. Lamba, Addl.A.G., Punjab.

Mr. Narender Kumar, Senior Panel Counsel  
for respondents No.1 and 2-UOI.

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**ANIL KSHETARPAL, J. (Oral)**

**1. Brief Facts of the case:-**

1.1 Through this appeal, the owner, who was deprived of 250 sq. yard land on account of acquisition, assails the correctness of the order passed by the Reference Court.

1.2 In substance, the landlady claims that she has not been awarded a fair, reasonable and just compensation for the acquired land.

1.3 The necessary details of the acquisition are as under:-

29.10.1984	Notification under Section 4 of the Land Acquisition Act, 1894 was issued.
01.12.1984	Declaration under Section 6 of the Land Acquisition was published.
29.10.1985	The Land Acquisition Collector offered to pay @



	Rs.172.92 per sq. yard for the land and Rs.21,760/- for damages to the building.
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1.4 On an application filed under Section 18 of the Land Acquisition Act, 1894, the RC vide judgment dated 15.05.1992 assessed the market value of the acquired land @ Rs.200/- per sq. yards. However, the amount assessed for construction of the building was maintained.

**2. Arguments addressed:-**

2.1 Heard the learned counsel representing the parties at length and with their able assistance perused the paper-book alongwith requisitioned lower Court record.

2.2 Learned counsel representing the appellants has made the following submissions:-

1. The RC has erred in ignoring the sale instances produced by the appellants.
2. In the year 1980-81, the property of the Improvement Trust located nearby was sold at about Rs. 1,000/- per sq. yard.

2.3 The entire frontage of the appellant's plot has been taken away and the price of remaining un-acquired land is substantially reduced because he is not left with any passage. He further submits that the cost of construction of the acquired portion was Rs.94,190/- as per the statement of Sh. B.V. Joshi-PW2, which has been wrongly impleaded.

2.4 On the other hand, learned State counsel supported by the counsel representing Indian Railways submits that the RC has erred in ignoring the sale



instances produced by the State and the Court has already assessed adequate compensation. He submits that the sale instances produced by the landowner are located at a distance of nearly 2 kms from the acquired land.

### 3. Analysis and Discussion:-

3.1 This Court has considered the submissions made by the learned counsel representing the parties.

3.2 In fact, the land owners have produced the following sale deeds:-

Sr No.	Exhibit	Date of Sale	Area sold	Sale Price	Average Price
1	A3	5-9-84	84 sq.yds	Rs.49000/-.	Rs.583.33
2	A4	5-1-84	73.3"	Rs.22500/-	Rs.316.40
3	A5	5-1-84	77.3"	Rs.22500/-	Rs.316.40
4	A6	18-1-84	37.75"	Rs.18750/-	Rs. 496.68
5	A7	30-1-84	358-1/3"	RS.143333.34	RS. 400/-

3.3 On the other hand State of Punjab have produced the following sale deeds:-

Sr No.	Exhibit	Date of Sale	Area sold	Sale Price	Price per sq. yard.
1.	R4	26.6.84	121 sq. yds.	Rs.9500/-	Rs.78.51
2.	R5	26.6.84	71"	Rs.9000/-	Rs.126.76
3.	R6	6.7.84	95"	Rs.10000/-	Rs.105.26
4.	R7	10.9.84	274.16"	Rs.36189.12	RS.131.22
5.	R8	16.1.84	250"	Rs 37500/-	Rs.150.00
6.	R9	16.1.84	250"	Rs.37500/-	Rs.150.00
7.	R10	29.3.84	500"	Rs.10060/-	Rs.20.12

**Note:-** It is significant to note that the aforesaid Exhibits (sale deeds) have been reproduced from the LAC award and the correctness thereof is not disputed by the parties.

3.4 As per the finding of the RC, the sale instances produced by the land-owners are at a distance of 2 kms from the acquired land. The correctness thereof is not challenged. Hence, the sale deed relied upon by the appellant cannot be relied upon.

3.5 This Court has examined the layout plan produced by the State. On its careful perusal, it becomes evident that on the GT road, there is a



tri-junction from where Ferozdeen road starts. The landlady was the owner of 03 kanals 02 marlas land. A substantial portion thereof was abutting the Ferozdeen road. It was very close to the railway-line. It is evident that a narrow strip of bigger plot belonging to the owner of the plot abutting Ferozdeen road has been acquired to construct an elevated road in order to construct over bridge on the railway-line. The elevated road would be constructed to facilitate the traffic of Ferozdeen road to take elevated road to go across Railway line. In front of the appellant's plot, an elevated road would be constructed, which would result in adversely impacting the prices of un-acquired part of the plot under the ownership of the appellant. She also has been deprived of the commercial belt, which abuts the elevated road. After acquisition, there is only a narrow passage constructed in between the elevated road and un-acquired plot of the appellant to provide him a passage. Hence, the RC was required to award damages to the appellant even with respect to the un-acquired land measuring 02 kanals 12 marlas because plot measuring 10 marlas (250 sq.yard) out of 3 kanals 2 marla was acquired. Since, no evidence has been led, hence, this Court is left with no choice but to apply thumb rule. There are chances of reduction of price to the extent of 20% with respect to the un-acquired land. Hence, the appellant is held entitled to compensation @ Rs.40/- per sq. yard for the un-acquired land measuring 02 kanals 12 marlas.

3.6 However, there is no substance in the argument of learned counsel representing the appellants with regard to the sale instances produced by the land-owners because those plots were located at a distance of 2 kms from the acquired plot. Similarly, in absence of evidence to prove the location of sale of



plots by the Improvement Trust, it would not be appropriate to rely upon the same. With respect to loss on account of constructed building, the assessment made by the Land Acquisition Collector cannot be doubted only on the basis of private expert examined by the landlady.

**4. Decision:-**

4.1 With these observations, the appeal is allowed. The landlady is held entitled to damages @ Rs. 40/- per sq. yard alongwith all statutory benefits under the amended Land Acquisition Act,1894, with regard to un-acquired portion, namely, 02 kanals 12 marlas.

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

**03.05.2025**  
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**(ANIL KSHETARPAL)**  
**JUDGE**

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No