

**RFA-3350-2002 (O&M)  
and other connected cases**

2025:PHHC:049805



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

**RFA-3350-2002 (O&M)  
and other connected cases  
Reserved on : 04.04.2025  
Date of decision: 09.04.2025**

**Bharat Petroleum**

**..Appellant**

**Versus**

**Harbans Kaur and others**

**..Respondents**

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

Present: Mr. Vijay Kumar Jindal, Senior Advocate  
with Mr. Sandeep Kumar Rana, Advocate  
Mr. Abhishek Shukla, Advocate  
for the landowners in all appeals.

Mr. Ashish Kapoor, Advocate for the appellant  
in RFA-3350-2002 & RFA-1311-2003  
and for respondent No.3 in all other cases

Mr. Harmanjot Singh Gill, Senior Government counsel  
for Union of India

Mr. Anil Bansal, DAG, Punjab  
for respondent no.3 and 4

**ANIL KSHETARPAL, J.**

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

1.1 With the consent of the learned counsel representing the parties, a batch of 46 connected cross Regular First Appeals (details whereof are at the foot of the judgment) shall stand disposed of by this common order.

1.2 This Court has been called upon to assess the market value of the acquired land. The relevant and necessary details of the acquisition are as under:-



21.08.1991	Notification under Section 4 of the Land Acquisition Act, 1894 was published proposing to acquire 246 kanals 15 marlas land located in villages Suchi Pind and Chak Hussaina, Lamba Pind Tehsil and District Jalandhar
17.01.1992	Declaration under Section 6 of the 1894 Act was published
20.09.1993	Land Acquisition Collector offered to pay at the rate of rate of Rs.1500/- per marla. The land was acquired for products of Bharat Petroleum
02.03.2002	Reference Court assessed the market value of the acquired land at the rate of Rs.1780/- per marla
20.07.2010	Appeals filed by the Bharat Petroleum were dismissed whereas the appeals filed by the landowners were dismissed for non-prosecution
08.12.2022	Orders to rehear the appeals have been set aside by the Supreme Court vide order dated 08.12.2022

1.3 The landowners claim that the market price of the land was not less than Rs.15,000/- per marla as residential and industrial units were located in close proximity to the acquired land. The property is situated within the municipal limits of the Municipal Corporation Jalandhar and there is already an Indian Oil Bulk Depot located near the acquired land. Railway station is also situated nearby. The acquired land is located near the Amritsar Jalandhar by-pass. The beneficiary of the acquisition contested the petition asserting that just, fair and reasonable market value has already been given by the Land Acquisition Collector (hereinafter referred to as 'LAC').

## **2. Evidences Adduced:-**

2.1 The landowners examined PW1 Smt. Baksho, PW2 Jaswant Singh, PW3 Bhagat Ram PW4 Ratan Singh, PW5 Jagir Singh.

2.2 On the other hand, RW1 Kuldeep Singh, Deputy Manager (Sales) Bharat Petroleum Corporation appeared in evidence. The

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landowners produced three sale deeds and an agreement to sell which is tabulated as under:-

Sr.No.	No. of Exhibit	Land sold/ agreed to be sold	Sale consideration	Date of transaction	Rate per marla
1.	Ex.P1 (sale deed)	16 marlas	96,000/-	6.3.91	6,000/-
2.	Ex.P2 (sale deed)	3 marlas	27,000/-	30.11.98	9,000/-
3.	Ex.P3 (sale deed)	4 marlas	28,000/-	04.03.91	7,000/-
4.	Ex.P4 (agreement)	27-1/2 marlas	1,37,500/-	21.05.91	5,000/-

**3. Judgment:-**

3.1 The RC on the basis of Collector's report with respect to village Chak Hussaina Lamba Pind assessed the market value of the acquired land at the rate of Rs.1780/- per marla

**4. Arguments addressed:-**

4.1 Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

4.2 The landowners have filed an application to place on record Annexures A2 to A4, consisting of two layout plans and two certificates issued by Patwari to show the distance between the acquired land and the sale deeds.

4.3 Learned senior counsel representing the landowners has submitted that the market value of the acquired land is not less than Rs.15,000/- per marla because it was located within the municipal limits. He further submits that in 1985 the land was acquired by the Indian Oil



Corporation to set up 'LPG Bottling Plant'. Thereafter, the commercial activity in the area increased. He submitted that sale instance as per certificate Annexure A1 (sale deed Ex.P1) is only at a distance of 1122 feet from the acquired land. Similarly, khasra no.2585/2 is at a distance of 1 km from the acquired land.

4.4 On the other hand, the learned counsel representing the Bharat Petroleum has submitted that the acquired land was not even plain land as in village Suchi Pind 53 kanals 14 marlas land was uneven land whereas in village Chak Hussaina Lamba Pind 105 kanals 1 marla land was uneven land. He further submitted that with respect to acquisition of adjoining land vide notification dated 02.01.1985, the High Court assessed the market value of even part of the acquired land at the rate of Rs.1050/- per marla whereas uneven part of the acquired land at the rate of Rs.840/- per marla. He submitted that there is a gap of 6 ½ years between notification under Section 4 of the 1894 Act in both the cases and the RC has already assessed the market value at the rate of Rs.1780 per marla.

### **5. Analysis and Discussion:-**

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

5.2 It is evident that the sale instances Ex.P1 and P2 are with respect to residential plots/houses whereas the acquired land was uneven land used for brick kilns. There were deep pits in the acquired land. All the three sale instances produced by the landowners are with respect to a very small parcels of land. There are 160 marlas in one acre of land. The sale



deed Ex.P1 is with respect to plot measuring less than 500 sq. yards. Sale instances Ex.P-2 and P3 are with respect to 3 marlas and 4 marlas plot. These sale instances are not with respect to the agricultural land. From a bare look at the layout plan produced by the landowners, it is evident that these plots were situated either near the road or residential area whereas the acquired land was a separate parcel of uneven land. Hence, these sale instances are not comparable with the acquired land. Ex.P4 is an agreement to sell. It has neither been proved nor can be relied upon by the court to assess the market value. Neither the proposed vendor nor the proposed purchaser has been examined to prove the agreement to sell. Moreover, the RC has held that such agreement to sell is not genuine.

5.3 As is evident in January, 1985, the market value of the adjoining land has been assessed at the rate of Rs.1050/- for even part of the land whereas Rs.840/- for uneven part of the acquired land. After a passage of 6 ½ years, now the landowners have been paid Rs.1780/- per marla.

### **6. Decision:-**

6.1 Keeping in view the aforesaid facts and discussion, there is no reason to differ with the assessment of the market value made by the RC. Hence, all the appeals are dismissed.

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

**(ANIL KSHETARPAL)  
JUDGE**

**09.04.2025**

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*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*

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Sr. No.	Case Number	Party's Name
1.	RFA-3350-2002 (O&M)	Bharat Petroleum v. Harbans Kaur and Ors.
2.	RFA-2771-2009	Gurdev Singh v. Union of India and Ors.
3.	RFA-2770-2009	Piara Singh v. Union of India and Ors.
4.	RFA-4132-2002	Karnail Singh v. State of Punjab and Ors.
5.	RFA-4027-2002	Joginder Singh (now deceased) through his LRs and Or. v. Union of India and Ors.
6.	RFA-2002-2002	Jagir Singh and Anr. v. State of Punjab and Ors.
7.	RFA-4131-2002	Charan Singh v. State of Punjab and Ors.
8.	RFA-4130-2002	Didar Singh v. State of Punjab and Ors.
9.	RFA-4005-2002	Gurmit Kaur v. State of Punjab and Ors.
10.	RFA-3949-2002	Jagan Nath (since deceased) through his LRs and Ors. v. Union of India and Ors.
11.	RFA-3959-2002	Lal Singh (since deceased) through his LRs and Ors. v. Punjab State and Ors.
12.	RFA-3872-2002	Nirmal Singh (since deceased) through his LRs and Ors. v. Union of India and Ors.
13.	RFA-3566-2002	Raj Pal Singh and Anr. v. Union of India and Ors.
14.	RFA-2699-2002	Bakshish Singh v. Union of India and Ors.
15.	RFA-1311-2003	Bhagata v. Punjab State and Ors.
16.	RFA-3351-2002	Bharat Petroleum Corp. Ltd. v. Jagir Singh and Ors.
17.	RFA-3352-2002	Bharat Petroleum Corp. Ltd. v. Nirmal Singh (since deceased) through his LRs and Ors.
18.	RFA-3373-2002	Bharat Petroleum Corp. Ltd. v. Gurdev Singh and Ors.
19.	RFA-3372-2002	Bharat Petroleum Corp. Ltd. v. Gurmeet Kaur and Ors.
20.	RFA-3371-2002	Bharat Petroleum Corp. Ltd. v. Shangara Singh and Ors.
21.	RFA-3370-2002	Bharat Petroleum Corp. Ltd. v. Surjan Singh and Ors.
22.	RFA-3369-2002	Bharat Petroleum Corp. Ltd. v. Gulzar Singh and Ors.
23.	RFA-3368-2002	Bharat Petroleum Corp. Ltd. v. Bhagata (since deceased) through his LRs Singh and Ors.
24.	RFA-3367-2002	Bharat Petroleum Corp. Ltd. v. Joginder Singh and Ors.
25.	RFA-3366-2002	Bharat Petroleum Corp. Ltd. v. Tarsem Singh and Ors.
26.	RFA-3365-2002	Bharat Petroleum Corp. Ltd. v. Karnail Singh and Ors.
27.	RFA-3364-2002	Bharat Petroleum Corp. Ltd. v. Tarsem Singh and Ors.
28.	RFA-3363-2002	Bharat Petroleum Corp. Ltd. v. Smt. Sodha and Ors.
29.	RFA-3362-2002	Bharat Petroleum Corp. Ltd. v. Union of India and Ors.
30.	RFA-2547-2002	Tarsem Singh v. Union of India and Ors.
31.	RFA-3358-2002	Bharat Petroleum Corp. Ltd. v. Joginder Singh and Ors.
32.	RFA-2546-2002	Gulzar Singh v. Union of India and Ors.
33.	RFA-2545-2002	Surjan Singh v. Union of India and Ors.
34.	RFA-2544-2002	Shangara Singh v. Union of India and Ors.
35.	RFA-2543-2002	Darshan Singh v. Collector Land Acquisition and Ors.
36.	RFA-2542-2002	Joginder Singh and Ors. v. Union of India and Ors.
37.	RFA-1922-2002	Gurbachan Singh v. State of Punjab and Ors.
38.	RFA-3357-2002	Bharat Petroleum Corporation Ltd. v. Raj Pal and Ors.
39.	RFA-3356-2002	Bharat Petroleum Corp. Ltd. v. Charan Singh and Ors.
40.	RFA-3355-2002	Bharat Petroleum Corp. Ltd. v. Gurbachan Singh (since deceased) through his LRs and Ors.
41.	RFA-3354-2002	Bharat Petroleum Corp. Ltd. v. Surjan Singh and Ors.
42.	RFA-3353-2002	Bharat Petroleum Corp. Ltd. v. Jagan Nath (since deceased) through his LRs and Ors.
43.	RFA-3361-2002	Bharat Petroleum Corp. Ltd. v. Darshan Singh and Ors.
44.	RFA-3360-2002	Bharat Petroleum Corp. Ltd. v. Kuldeep Kaur and Ors.
45.	RFA-3359-2002	Bharat Petroleum Corp. Ltd. v. Piara Singh and Ors.

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46.	RFA-4026-2002	Harbans Kaur and Ors. v. Punjab State and Ors.
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**(ANIL KSHETARPAL)  
JUDGE**