

2025:PHHC:135600



RFA Nos.1771 of 1997(O&M) with other connected cases

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

108

RFA No.1771 of 1997 (O&M)
Date of Decision: 26.09.2025

BHAGWANT SINGH

.....Appellant

Vs

LAND ACQUISITION COLLECTOR, AMRITSAR AND ORS.

...Respondent(s)

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

Present: Mr. Manuj Chadha, Advocate
for the appellant(s)/landowner(s).

Mr. Gunjan Mehta, Addl. A.G., Punjab.

Mr. Dheeraj Jain, Advocate
for the respondents/Union of India.

HARKESH MANUJA, J. (Oral)

[1]. Vide this common order, a bunch of 12 Regular First Appeals, details of which are given in the footnote of this judgment, are being decided as all the appeals have arisen out of common acquisition involving common facts and question of law. For the sake of brevity, facts are being taken from RFA No.1771 of 1997.

[2]. By way of present appeal(s), challenge has been laid to Award dated 26.04.1997 passed by the learned Addl. District Judge, Amritsar (hereinafter to be referred as the 'Reference Court'), whereby Reference Petition filed under Section 18 of the Land Acquisition Act, 1894 (for short 'the 1894 Act') at the instance of the landowner was partly allowed while granting him the benefit of enhanced market value @ 25% over the uniform compensation awarded in respect of Chahi and Nehri land @ Rs.57,760/- per acre and @ Rs.51,040/- per acre in respect of



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Gair Mumkin land by the Land Acquisition Collector (for short 'the LAC') vide its Award dated 08.12.1993, besides awarding statutory benefits/interest as provided under the 1894 Act.

[3]. Briefly stating, in the present case(s), certain land owned by the appellant/landowner situated within the revenue estate of village Gumanpur, District Amritsar, came to be acquired vide Notifications dated 18.10.1991 and 02.01.1992 issued under Sections 4 & 6 of the 1894 Act respectively for the purpose of constructing Boarder Security Force Complex, followed by an Award passed by the LAC on 08.12.1993.

[4]. Aggrieved thereof, the appellant-landowner invoked Reference under Section 18 of the 1894 Act, which came to be partly accepted by the learned Reference Court vide its award dated 26.04.1997, thereby granting him the benefit of enhanced market value @ 25% over the market value determined by the LAC vide its Award dated 08.12.1993, along with other statutory benefits. Dis-satisfied with the Award passed by the learned Reference Court, the present appeals were preferred at the instance of landowners as well as respondents/Union of India.

[5]. Impugning the aforementioned Award, learned counsel for the appellant/landowner submits that the Reference Court failed to take into consideration the sale instances Ex.P-1 to Ex.P-5 which were all related to the same revenue estate of village Gumanpur. He also points out that from all the sale deeds which were related to gair mumkin land, it was established that the area in question was already developed. In support of his submission, learned counsel places reliance upon the deposition made by RW-3 Sampuran Singh, Halqa Patwari, Gumanpura, who went on to admit factum of entire village being



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surrounded by commercial establishments; besides the same being surrounded by G.T. Road and Railway line from two sides. In such circumstances, learned counsel emphasizes that by taking into account the sale instances Ex.P-4 to Ex.P-5 which were prior in time to the Notification under Section 4 of the 1894 Act in the present case, market value of the acquired land was required to be enhanced.

[6]. On the contrary, Learned counsel representing the appellants/Union of India submits that no reason at all was given by the learned Reference Court while granting enhancement @ 25% in favour of the landowners, over and above the market value assessed by the LAC. He, thus submits that in the absence of there being any reason or justification for grant of enhancement and that too in the absence of any reliable evidence available on record, the appeals filed at the instance of Union of India were to be allowed.

[7]. In addition, learned State counsel submits that the market value of the acquired land was rightly assessed by the land acquisition collector and, it called for no interference by the Learned Reference Court. He points out that the sale instances Ex.P-1 to Ex.P-5 were rightly discarded by the learned Reference Court as the same related to *gair mumkin* nature of land, whereas the acquired land was of agricultural nature and, thus prays for dismissal of the appeal(s).

[8]. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the appellants/landowners.

[9]. In the facts and circumstances of the case, from the depositions of AW1-Kashmir Singh as well as RW3-Sampuran Singh, Halqa Patwari, Gumanpura, it was established on record that the acquired land was adjoining the



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Dry port, godowns, rice shellers, number of commercial establishment like Khasa Distilleries, Punjab Mills and Campa Cola factories. It was also established that on one side of the acquired land there is G.T. Road and on the other side there is railway line. Relevant paragraph No.17 of the Reference Court Award in this regard is extracted hereunder:-

“17. AW Kashmir Singh stated that factories and railway station are near the acquired land. It is situated in the pity. There are godowns near the acquired land. Dry port is also there. On one side of the acquired land there is G. T. Road and on the other side there is railway track. Rice Shellers and Abadi are near the acquired land. There is also a brick kiln near it. B. S. F. head quarters office is near the acquired land. Gate of India, Khasa Distilleries, Punjab Mills and Campa Cola factories are also situated near it. Similar are the statements of AWs Santa Singh and Atma Singh. RW R. S. Manral admitted that Khasa Distillery is situated near the acquired land. There are two Units of the B. S.F. and one Sector Headquarter of D. 1. G. and 4th B. S.F and 83 Rear Unit. He also admitted that railway line from Amritsar to Attari abuts the acquired land, family quarters are situated in B. S. F. Campus, 4300 families are residing there, Quarters of Officers, JCOs and Sepoys are also located there and there is petrol pump near khada. He did not know if there is any petrol pump near Chheharta. He could not say if a road leads from B. S. F. to village Gumanpura and Nirmla Mills is situated on that road. RW K.S. Parmar stated that he did not know whether or not the road leading to village Gumanpura falls within the area of Municipal Corporation, Amritsar. He admitted that there are houses near the acquired land. RW3 Sampuran Singh, Halqa Patwari Gumanpura admitted with reference to site plan Ex.P17 that Campa Cola factory and rice Shellers shown therein exist near the acquired land. He also admitted that as per AKs Shajra acquired land is situated between G. T. Road and Railway line leading from Amritsar to Attari, it is one Kilo-meter from G.. Road, octroi post of Municipal Corporation is located in Khasra No.798 and the acquired land is about half a kilo meter from boundary of Municipal Corporation.”



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[10]. In such circumstances, wherein the acquired land was surrounded by the commercial establishments, factories, godowns and other industrial establishments, the learned Reference Court went wrong while discarding the sale instances Ex.P-1 to Ex.P-5 which were all prior to the date of Notification issued under Section 4 of the 1894 Act in the present case. Once it was established on record that the acquired land was having commercial potential, it was uncalled for on the part of the learned Reference Court to have ignored the sale instances Ex.P-1 to Ex.P-5, merely for the reason that the same were related to *gair mumkin* area.

[11]. In the aforementioned circumstances, the learned Reference Court should have placed reliance upon the sale instances Ex.P-4 and Ex.P-5 dated 26.02.1990 which were relating to area measuring 19 Marlas of land and happened to be the highest sale exemplars especially, there being no evidence led by the respondents to establish that the same were not genuine or bona fide transactions. As per Ex.P-4 and Ex.P-5, the sale consideration for 19 Marlas of land as on 26.02.1990 was Rs.32,500/- and, therefore, the price per acre comes to Rs.2,73,684/- . For the period of difference between the sale instances till date of Notification under Section 4 of the 1894 Act in the present case i.e. 26.02.1990 to 18.10.1991 (for 20 months), an appreciation @ Rs.12% per annum needs to be applied as the area under requisition carries potential and locational advantage ,and thus its market value comes to Rs.3,28,420/- per acre.

[12]. As per the law enunciated by the Hon'ble Apex Court in various judicial pronouncements, the development cut depending upon the facts and circumstances of a given case ranges between 20% to 75%. In the present case, it



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has been established on record that the acquired land was having potential and geographical advantage edge attached to it being surrounded by the commercial establishments, godowns and industrial units etc. Further, the acquired land was even having locational lead in view of the fact that towards one side of it there is G.T. Road, whereas on the other side there is railway line.

[13]. In view of the aforesaid facts cut @ 1/3rd at Rs.3,28,420/- would be appropriate towards the development cost(s) for the sale instances been relied upon of being small parcels of land and accordingly, the market value comes to Rs.218950/- per acre.

[14]. Taking into consideration the fact that the land under acquisition is landlocked-surrounded by the G.T. Road and Railway Line on its two sides and is having commercial potential, it would be appropriate to award market value at the uniform rate in favour of the landowners. Accordingly, the market value for the land under acquisition is assessed @ Rs. Rs.2,18,950/- per acre (rounded off). In addition, the landowners are also held entitled for award of all statutory benefits and interest as provided under the provisions of the 1894 Act (amended upto to date). The landowners shall also be entitled for solatium @ 30% besides award of interest thereupon as well.

[15]. In view of the discussion made herein above, the appeals preferred at the instance of appellants-landowners are hereby partly allowed in the aforesaid terms and the appeals filed by the Union of India are, thus dismissed.

[16]. Further, in case of unfortunate demise of any of the appellants/landowners, if the legal heirs-legal representative(s) have not been brought on record, they shall be entitled for filing execution applications in their

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own names being legal heirs or legal representatives of the deceased landowners;
subject to of course any testamentary document created by the deceased.

[17]. All pending application(s), if any, shall also stand disposed of.

September 26, 2025

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(HARKESH MANUJA)

JUDGE

Whether speaking/reasoned Yes/No
Whether reportable Yes/No

Sr. No.	Case Number
1	RFA-1772-1997 (O&M)
2	RFA-2165-1997 (O&M)
3	RFA-2166-1997 (O&M)
4	RFA-2167-1997 (O&M)
5	RFA-2211-1997 (O&M)
6	RFA-2227-1997 (O&M)
7	RFA-1694-2004 (O&M)
8	RFA-1695-2004 (O&M)
9	RFA-1696-2004 (O&M)
10	RFA-1697-2004 (O&M)
11	RFA-1999-2004 (O&M)

September 26, 2025

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(HARKESH MANUJA)

JUDGE