



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

**RFA-6957-2013 and connected cases
Decided on:-25.07.2025**

Vinod Kumar

....Appellant.

vs.

State of Punjab and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. H.K. Aurora, Advocate,
Mr. Sandeep Bansal, Advocate
Mr. Hemant Sarin, Advocate,
Mr. R.K. Chauhan, Advocate
Mr. S.K. Kanojia, Advocate
Mr. Gurmeet Singh, Advocate,
for the appellant(s)/landowners/
X-objectors/respondent(s).

Mr. Bhanu Partap Singh, Advocate,
for respondent No.1
(in RFA-10437-2014).

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

HARKESH MANUJA J. (Oral)

1. A batch of 43 connected Regular First Appeals (details whereof are given on the foot of the judgment) shall stand disposed of by this common order, as they involve common question of law



and facts.

1.1 For convenience, the facts are being taken from **RFA-6957-2013**.

2. Brief facts of the case are that certain land owned by the appellants-landowners, situated in the revenue estate of village Bajwara, Tehsil and District Hoshiarpur, came to be acquired vide notifications dated 07.01.2005 and 04.05.2005, issued under Sections 4 and 6, respectively, of the Land Acquisition Act, 1894 (for short, "1894 Act"), for the construction of Kandi Canal. Total land under acquisition was 18.13 Acres. Vide Award No.26 dated 16.11.2007, the Land Acquisition Collector, assessed market value in the following terms besides granting other statutory benefits, interest etc:-

"Chahi	Rs.2718.75 paisa per marla
Barani	@ Rs.1812.50 paisa per marla
Banjar Qudim	@ Rs.1250/- per marla
Gair Mumkin Choe	@ Rs.1250/- per marla
Bag Chahi	@ Rs.2250/- per marla
Gair Mumkin Rasta	@ Rs.1250/- per marla
Gair Mumkin Abadi	@ Rs.20,000/- per marla
Gair Mumkin Tubewell	@ Rs.20,000/- (2 marlas area) per marla
Gair Mumkin Chahi	@ Rs.1250/- per marla
Jhangi Drakhtan	@ Rs.1812.50 paisa per marla"

3. Aggrieved of the award passed by the Land Acquisition Collector, appellant(s)-landowners invoked reference petition(s) under Section 18 of the 1894 Act, seeking enhancement of compensation. Upon consideration of the material available on record, the Reference Court vide its award dated 01.05.2013,



assessed the uniform market value @ Rs.9000/- per marla. In addition, the appellants were also awarded severance charges @ 25% of the market value. The relevant part thereof is extracted hereunder:-

“From the perusal of evidence on the file it is clear that acquired land of the applicants is chahi in nature and respondents have rightly considered the land of applicants as chahi in nature at the time of passing the award, however, the compensation awarded to the applicants by the government for their acquired land at the rate of Rs.2718/- per marla is much less than the market value of the acquired land. The claimants have produced sufficient evidence on the file to prove that they have been given less compensation than the prevalent market value of the acquired land therefore they are entitled to enhancement of compensation. As such, it is held that claimants are entitled to compensation at the rate of Rs.9000/- (Rs.Nine thousand only) per marla instead of Rs.2718/- per marla which has been awarded to them by the respondents.

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The applicants are also entitled to severance charges @ 25% of the un-acquired land i.e. 27 kanals 11 marlas from which the applicants have purchased the acquired land comprised in khasra Numbers 29//19/2, 20/3, 21/3, 22, 28, 39//5/3/2 and 40R/1 which remains unapproachable on both the sides of the Canal. Apart from it, applicants are entitled to solatium at the rate of 30% on the market value of the acquired land in accordance with Section 23 (2) of the Act. The petitioners are also entitled to appreciation charges u/s 23(1) (a) of the Act at the rate of 12% per annum from the date of issuance of notification under Section 4 of the Act till the date of taking possession or announcement of award whichever is earlier. As such, issue No.3 stands decided in favour of the applicants and against respondents.



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The petitioners are also entitled to interest at the rate of 9% per annum on the enhanced amount for the first year from the date of taking possession of acquired land and thereafter future interest at the rate of 15% per annum till the realization of entire amount of enhanced compensation. The amount paid by Collector may be adjusted.”

4. Feeling aggrieved of the aforesaid award passed by the Reference Court, the appellant(s) preferred separate appeals (details whereof are mentioned in the foot of the judgment).

5. Learned counsel for the appellant(s), Mr. H.K. Aurora submits that the Reference Court failed to take into account the sale deeds Ex. A7 to Ex.A11, which were produced on record as material evidence. He also submits that since the sale deeds Exs.A-7 to A11 were relating to the period between November 1999 to December 2000 whereas notification under Section 4 of the 1894 Act in the present acquisition was issued on 07.01.2005/14.01.2005, as such an appreciation @12% per annum of the sale deed fetching maximum consideration, was required to be applied and thereafter, the market value should have been assessed. For the purpose of reliance, learned counsel has submitted a chart of the sale deeds proved on record as Exs. A-7 to A-11 after having applied the appreciation of 12% per annum from the date of respective sale deeds upto the date of notification under Section 4 of the 1894 Act relating to the present acquisition. The same is extracted hereunder:-

Exhibit	Sale deed No.	Date of Sale deed	Village	Area of land	Price	Per marla
A-7	5276	21.12.2000	Bajwara	907 sq.	Rs.100000/-	Rs.30021/-



				<i>feet</i>		
A-8	3234	22.08.2000	Bajwara	2394 <i>sq. feet</i>	Rs.177000/-	Rs.20130/-
A-9	5277	21.12.2000	Bajwara	952 <i>sq. feet</i>	Rs.105000/-	Rs.30034/-
A-10	5823	31.01.2000	Bajwara	2280 <i>sq. feet</i>	Rs.168000/-	Rs.20062/-
A-11	4462	22.11.1999	Bajwara	2100 <i>sq. feet</i>	Rs.116000/-	Rs.15040/-

5.1. Learned counsel thus, submits that in view of the evidence available on record in the shape of sale deeds (Ex. A7 to Ex.A11), which pertain to the same revenue estate of Village Bajwara, Tehsil and District Hoshiarpur, the market value of the land under acquisition was required to be assessed at the rate of Rs.50,000/- per marla along with all statutory benefits and interest under the 1894 Act, besides grant of severance charges.

6. On the other hand, learned counsel appearing on behalf of the respondent-State submits that the market value was rightly assessed by the Reference Court at the rate of Rs.9000/- per marla for *chahi* land and Rs.8200/- per marla for *barani* land after taking into account the evidence available on record. He also submits that no appreciation at all was required to be applied over and above the sale consideration mentioned in Ex.A7 to Ex.A11 and rather the same were required to be discarded being related to small parcels of land. Learned State counsel thus submits that the award under challenge called for no interference.

7. 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 appellant(s)/ landowners.



8. As a matter of fact the present appeal relates to the acquisition of land falling within the revenue estate of Village Bajwara, Tehsil and District Hoshiarpur and the sale deeds Exs. A-7 to A-11 even pertain to the same revenue estate and further there being no evidence available on record to doubt the genuineness of these sale deeds, the same need to be relied upon for the purpose of determination of market value of the land under acquisition, being the *bonafide* transactions.

8.1 Further, in view of the law laid down by the Hon'ble Apex Court in the case of **Manohar and others. Vs. State of Maharashtra, 25 INSC 900**, the highest of the exemplars needs to be considered and para 33 thereof being relevant, is extracted hereunder:-

“33. It can thus be seen that it is a settled position of law that when there are several exemplars with reference to similar land, usually the highest of the exemplars, which is a bona-fide transaction, will be considered. The same was reiterated in the judgment of this Court in the case of Mohammad Yusuf (supra).”

Accordingly, applying the aforesaid principle of law, in the given facts and circumstances, the sale deed Ex.A9 dated 21.12.2000 being the highest of the exemplars needs to be relied upon. From the chart extracted in the preceding part of the judgment, it can be traced out that the sale consideration per marla pertaining to the sale deed Ex.A-9 comes to Rs.30034/-.

8.2 Equally important, a perusal of the aforementioned chart



clearly reflects that there has been an apparent upward trend in the price of land in Village Bajwara District Hoshiarpur. As per sale deed Ex.A-11 dated 22.11.1999, the sale consideration per marla was Rs.15040/-; whereas with respect to the sale deeds Exs.A-7 to A-9 pertaining to 21.12.2000, the sale price increased to Rs.30000/- per marla which itself shows an increase of around 100% towards the sale price of land in Village Bajwara, District Hoshiarpur, within a period of one year.

Further, the Hon'ble Apex Court in ***Ramrao Shankar Tapase Vs. Maharashtra Industrial Development Corporation and others, reported as (2022) 7 SCC 563***, held that a cumulative increase per year upon the consideration mentioned in the sale exemplars for the period between the sale exemplar and the date of notification under Section 4 of the relevant acquisition needs to be granted. Paras 27 & 28 thereof being relevant are extracted hereunder:-

“27. *Looking to the fact that the sale deed produced at Ext. 41 with respect to the land bearing Survey No. 20/2 was with respect to the very Village Bhoyar which was the only sale exemplar of the same village and other sale exemplars/sale deeds were with respect to another Village Lohara and also with respect to small pieces of land, we are of the considered view that the High Court has rightly relied upon and considered the sale exemplar at Ext. 41 while determining the compensation in the present cases with respect to the lands of the very Village Bhoyar.*

28. *However, at the same time, bearing in mind the*



decision of this Court in Pehlad Ram, by which this Court has observed and held that a cumulative increase of 10 to 15% per year in the market value of the land may be accepted, in the facts and circumstances of the case, we are of the opinion that instead of 10% cumulative increase as adopted by the High Court, if 12% cumulative increase would have been adopted, it would have been just and proper and in the fitness of things.”

Keeping in view the aforesaid and also applying the ratio of law laid down by the Hon'ble Apex Court in the case of **Ramrao Shankar Tapase (supra)**, 12% appreciation per year needs to be applied over the sale consideration mentioned in the sale deed Ex.A9 for the period between the date of sale deed i.e. 21.12.2000 till the date of notification under Section 4 of the 1894 Act relating to the present acquisition proceedings i.e. 07.01.2005 and a detailed chart in this regard is extracted hereunder:-

21.12.2000 12% increase Total	Rs.30,034/- <u>Rs. 3,604/-</u> Rs.33,638/-
21.12.2001 12% increase Total	Rs.33,638/- <u>Rs. 4,037/-</u> Rs.37,675/-
21.12.2002 12% increase Total	Rs.37,675/- <u>Rs. 4,521/-</u> Rs.42,196/-
21.12.2003 12% increase Total	Rs.42,196/- <u>Rs. 5,064/-</u> Rs.47,260/-
21.12.2004	Rs.47,260/-

8.3. Moreover, from the evidence available on record, it has been established that the land under acquisition is abutting the Panjab University Campus, Hoshiarpur and is located within the



radius of 5 kms of the Municipal Limits of Hoshiarpur City, thus considering its locational and potential value, it would be appropriate to apply development cut at the rate of 40% over the amount of Rs.47260/- as assessed regarding the sale exemplar i.e. Ex.A9; thus the market value of the acquired land on the date of notification under Section 4 of the Act comes to Rs.28356/- per marla(Rs.28000/- rounded off).

9. In view of the aforesaid, the award dated 01.05.2013 passed by learned Additional District Judge, Hoshiarpur is modified to the extent that the appellants/ landowners shall be entitled for award of market value @ Rs.28000/- per marla along with all other statutory benefits/ interest. Besides it, no interference is called for with regard to the grant of 25% of the market value towards severance charges as awarded in favour of the appellants/ landowners by the learned Reference Court, thus the same is ordered to be maintained as such.

10. Consequently, the appeals as well as cross-objections filed by the appellants/ landowners are partly allowed; whereas the appeals and cross-objections filed at the instance of State are hereby dismissed.

11. Pending misc. application(s), if any, shall also stand disposed of.

25.07.2025
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No



Sr. No.	Case No.	Title
1.	RFA-9292-2014 (O&M)	STATE OF PUNJAB THROUGH COLLECTOR HOSHIARPUR AND ORS V/S CHARANJIT SINGH
2	RFA-10437-2014 (O&M)	STATE OF PUNJAB & ORS VS.RAJ KUMAR AND ORS.
3	RFA-10604-2014(O&M)	DINESH AND ORS V/S STATE OF PUNJAB AND ANR
4	RFA-10605-2014 (O&M)	SITA RAM V/S STATE OF PUNJAB AND ANR
5.	RFA-10606-2014 (O&M)	CHARANJIT SINGH AND ORS V/S STATE OF PUNJAB AND ANR
6.	RFA-10677-2014(O&M)	KRISHAN KUMAR AND ORS. VS. STATE OF PUNJAB
7.	RFA-5091-2014(O&M) with X-OBJR-259-CI-2016	STATE OF PUNJAB AND ANR. VS.HARISH MOHAN
8.	RFA-5094-2014(O&M) with XOBJR-261-CI-2016	STATE OF PUNJAB AND ANR. VS. LACHHMAN DASS
9.	RFA-5097-2014 (O&M) WITH XOBJR-33-CI-2015	STATE OF PUNJAB AND ANR. VS. JASPREET SINGH
10.	RFA-9293-2014(O&M)	STATE OF PUNJAB THR. COLLECTOR HOSHIARPUR AND ORS. VS. SITA RAM
11.	RFA-9294-2014 (O&M) with X-OBJR-260-CI-2016	STATE OF PUNJAB THR. COLLECTOR HOSHIARPUR AND ORS. VS. GIAN CHAND
12	RFA-9295-2014(O&M) with X-OBJR-268-CI-2016	STATE OF PUNJAB THR COLLECTOR HOSHIARPUR AND ORS. VS. GURSHARAN SINGH
13	RFA-9296-2014(O&M) with X-OBJR-262-CI-2016	STATE OF PUNJAB THR COLLECTOR HOSHIARPUR AND ORS. VS. KAMLA DEVI
14	RFA-9297-2014 (O&M)	STATE OF PUNJAB THR COLLECTOR HOSHIARPUR AND ORS VS. DINESH
15.	RFA-6756-2014 (O&M) WITH XOBJR-61-CI-2016	STATE OF PUNJAB AND ANR. VS. PARAMJIT SINGH.
16.	RFA-331-2017(O&M)	CHANAN KAUR VS. STATE OF PUNJAB AND ANR.
17.	RFA-4363-2013 (O&M)	SATVIR SINGH PARMAR AND ORS. VS STATE OF PUNJAB AND ANR



18.	RFA-4551-2014(O&M)	STATE OF PUNJAB AND ANR. VS RAMJI DASS AND ORS
19.	RFA-4552-2014 (O&M) with XOBJR-258-CI-2016	STATE OF PUNJAB AND ANR. VS. LEELA DEVI
20.	RFA-4553-2014 (O&M)	STATE OF PUNJAB AND ANR. VS. RAMJI DASS AND ORS
21.	RFA-4977-2014(O&M)	GURDEV SINGH ETC. VS. STATE OF PUNJAB ETC.
22.	RFA-5067-2014(O&M)	STATE OF PUNJAB THR. COLLECTOR HOSHIARPUR AND ORS. VS. VINOD KUMAR
23.	RFA-5068-2014 (O&M)	STATE OF PUNJAB AND ORS. VS. TANIT PAL
24.	RFA-5069-2014 (O&M)	STATE OF PUNJAB AND ORS. VS. PARAMJIT KAUR
25.	RFA-5070-2014 (O&M)	STATE OF PUNJAB AND ORS VS. OM PARKASH
26.	RFA-5071-2014(O&M)	STATE OF PUNJAB AND ORS. VS. BHAGWATI DEVI
27.	RFA-5072-2014(O&M)	STATE OF PUNJAB AND ORS. VS, KULWINDER KAUR AND ORS.
28.	RFA-5085-2013(O&M)	RAMMURTI VS. STATE OF PUNJAB AND ORS.
29.	RFA-5092-2014(O&M) with X-OBJR-256-CI-2016	STATE OF PUNJAB AND ANR. VS. JAGAT PARKASH AND ORS.
30.	RFA-5095-2014 (O&M)	STATE OF PUNJAB AND ANR. VS. TILAK RAJ
31.	RFA-5098-2014(O&M)	STATE OF PUNJAB AND ANR. VS. RAMMURTI
32.	RFA-6413-2014 (O&M)	STATE OF PUNJAB AND ORS. VS. GURDEV SINGH
33.	RFA-677-2014 (O&M)	RAMJI DASS & ORS. VS. STATE OF PUNJAB AND ANR.
34.	RFA-6958-2013 (O&M)	BHAGWATI DEVI VS. STATE OF PUNJAB AND ORS.
35.	RFA-6959-2013	TANIT PAL VS. STATE OF PUNJAB AND ORS.
36.	RFA-6960-2013 (O&M)	KULWINDER KAUR VS. STATE OF PUNJAB AND ORS.
37.	RFA-6961-2013 (O&M)	PARAMJIT KAUR VS. STATE OF PUNJAB AND ORS.
38.	RFA-6962-2013 (O&M)	OM PARKASH VS. STATE OF PUNJAB AND ORS.



39.	RFA-8641-2014 (O&M)	MANJIT SINGH AND ANOTHER VS. STATE OF PUNJAB AND ANOTHER
40.	RFA-962-2014 (O&M)	RAMJI DASS AND ORS. VS. STATE OF PUNJAB AND ANR.
41	RFA-9678-2014 (O&M) with X-OBJR-257-CI-2016	STATE OF PUNJAB AND ANR. VS. SUKHDEV SINGH AND ORS.
42	RFA-5093-2014 (O&M)	STATE OF PUNJAB AND ANR. VS. KRISHAN KUMAR AND ORS.