

RFA No.266 of 2004 (O&M) with other connected cases

2025 PHHC:118749



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

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**RFA No.266 of 2004 (O&M)
with other connected cases**

Date of Decision: 29.08.2025

GURDIAL SINGH AND OTHERS

.....Appellants

Vs

UNION OF INDIA AND ANR.

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Arihant Jain, Advocate
Ms. Manveen Kahlon, Advocate for
Mr. D.S.Pheruman, Advocate
for the appellant(s)/landowner(s).

Mr. Vishal Garg, Advocate
for the respondent/Union of India
(through video-conferencing).

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

HARKESH MANUJA, J. (Oral)

Vide this common order, a bunch of 26 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/Award involving common facts and question of law. For the sake of brevity, facts are being taken from RFA No.266 of 2004.

[2]. By way of present appeal(s), challenge has been laid to the Award dated 21.10.2003 passed by the learned Addl. District Judge,

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Amritsar (hereinafter to be referred as the 'Reference Court'), whereby Reference Petitions filed under Section 18 of the Land Acquisition Act, 1894 (for short 'the Act') at the instance of landowners were accepted while granting them compensation for their acquired land @ Rs.75,000/-, Rs. 22,500/-, Rs.15,000/- and Rs.3000/- per acre for Chahi, Barani, Banjar Qadim and Gair Mumkin kind of land respectively besides awarding other statutory benefits/interest in their favour.

[3]. Briefly stating, in the present case(s), land measuring 195.3 acres situated within the revenue estate of village Budha Theh, District Amritsar, came to be acquired vide Notifications dated 26.06.1987 and 03.07.1987 issued under Sections 4 & 6 of the Act respectively for Defence purpose followed by an Award passed by the Land Acquisition Collector (for short 'the LAC') on 28.06.1989 in terms of Section 11 of the 1894 Act, thereby determining the market value of the acquired land as under:-

- a. at the rate of Rs.50,000/- per acre of chahi/nehri lands.*
- b. at the rate of Rs.15,000/- per acre of Barani lands.*
- c. At the rate of Rs.10,000/- per acre of banjar qadim lands.*
- d. At the rate of Rs.2000/- per acre for Gair Mumkin lands."*

[4]. Aggrieved thereof, the appellant(s)-landowners invoked Reference under Section 18 of the Act, which came to be disposed of by the learned Reference Court vide its award dated 21.10.2003, while determining the market value of the acquired land @ Rs.75,000/-, Rs. 22,500/-, Rs.15,000/- and Rs.3000/- per acre for Chahi, Barani, Banjar Qadim and Gair Mumkin kind of land respectively, besides awarding all other statutory benefits. Dis-satisfied with the Award passed by the

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Reference Court, the present appeals were preferred at the instance of landowners as well as respondents/beneficiaries.

[5]. Impugning the aforesaid Award, learned counsel for the appellants/landowners submits that the learned Reference Court went wrong while discarding previous Award dated 26.11.1987 (Ex.AW7/8) passed by the then learned Additional District Judge, Amritsar relating to Notification dated 02.04.1983 issued under Section 4 of the Act whereby land was acquired for the benefit of Punjab Tourism Development Corporation Limited in Village Budha Theh, District Amritsar, belonging to the same revenue estate of village Budha Theh and the market value was enhanced to Rs.1,25,000/- by the learned Reference Court vide its Award dated 26.11.1987 which became final *inter se* between the parties there being no Regular First Appeal or Special Leave Appeal preferred at the instance of either of the sides.

[5.1]. Learned counsel also submits that since there was a difference of around 04 years between the two Notifications i.e. 02.04.1983 (previous acquisition) and 26.06.1987 (present acquisition), as such appreciation @ Rs.12% per annum should have been applied over and above the market price assessed vide Award dated 26.11.1987 relating to the acquisition of land vide Notification dated 02.04.1983. In alternative, learned counsel points out that the learned Reference Court even failed to rely upon the sale instance dated 03.02.1994 (Ex.AW-7/11) relating to the same revenue estate of village Budha Theh, District Amritsar which was for land measuring 2 *Kanals* 03 *Marlas* and the market value against it was Rs.7,40,465/- per acre. It has also been submitted that the separate chunks

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of land forming part of the aforementioned two Notifications related to the same revenue estate i.e. Budha Theh, District Amritsar and were situated merely at a distance of around 04 Rectangles. Learned counsel further submits that the land forming part of sale instance dated 03.02.1994 was pertaining to Rectangle No.49 and thus keeping in view its proximity in terms of difference in time with the land under acquisition, the market value should have been assessed by applying doctrine of de-escalation. No other arguments have been addressed.

[6]. On the other hand, learned counsel for respondent No.1/Union of India submits that the Award passed by the learned Reference Court was liable to be set aside as the sale deeds Ex.R-1 to Ex.R-6 which were proved on record at the instance of respondents and pertained to the same revenue estate of village Budha Theh, District Amritsar were never taken into account while making the assessment of compensation. Learned counsel also submits that the sale deeds Ex.R-1 to Ex.R-6 were all related to the years 1986-1987 and the rate per acre was around Rs.20,000/- only; thus the Award passed by the learned Reference Court was required to be modified by reducing the market value of the land under acquisition, accordingly.

[6.1]. Learned counsel further submits that the contention raised on behalf of the appellants/landowners to the effect that sale deed dated 03.02.1994 (Ex.AW-7/11) needs to be taken into account while assessing the market value, is devoid of merits as the said sale instance belongs to the post notification period and thus, cannot be relied upon. Learned counsel also points out that in the given facts when the land forming part of

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previous Notification dated 02.04.1983, relating to Award dated 26.11.1987 (Ex.AW-7/8) was abutting Grand Trunk Road (for short 'the G.T. Road'), the same was not to be relied upon for the purpose of re-assessment of market value of the present acquisition as the same existed at a distance of around 1½ Kms from the said G.T. Road. He thus submits that there being material difference of locational and potential of two parcels of land, the Award dated 26.11.1987 (Ex.AW-7/8) was rightly discarded by the learned Reference Court while passing the impugned Award. No other arguments have been addressed.

[7]. I have heard learned counsel for the parties and gone through the paper books.

[8]. In the facts and circumstances of the case, the learned Reference Court while passing the Award has relied upon previous Award dated 05.09.1994 (Ex.RZ) pertaining to the adjoining revenue estate of village Waraich and made the assessment @ Rs.75,000/- per acre for Chahi land; Rs.22500/- for Barani land, Rs.15,000/- for Banjar Qadim and Rs.3000/- per acre for Gair Mumkin land by applying thumb rule. Relevant para No.31 of the said Award is extracted hereunder:-

“31. Guided by the judgments, supra, and by Ex.RZ vide which an increase of Rs.25,000/- per acre was awarded to the landlords of village Waraich I am of the opinion that increase in the rate of chahi lands for village Budha Theh is the ideal solution in the given circumstances. Resultantly, it is held that market value of the chahi lands under references, at the time of their acquisition was Rs.75,000/- per acre. This formula of 50% excess is equally applicable to Barani Banjar Qadim and Gair Mumkin kind of lands and their market price

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at the time of their acquisition is held to be Rs.22,500/-, 15,000/- and 3000 per acre respectively and the petitioners are entitled to be compensated accordingly and the issues under discussion is answered accordingly.”

[9]. In the humble opinion of this Court the sale instance as well as previous Award related to the same revenue estate of village Budha Theh, District Amritsar. Thus, the Award dated 26.11.1987 (Ex.AW-7/8) and the sale deed dated 03.02.1994 (Ex.AW-7/11), could have taken into account for the purposes of making re-assessment of the market value in comparison to the reliance been placed upon Award (Ex.RZ) which related to different revenue estate of village Waraich, of course subject to their evidentiary value and relevance.

[10] The sale instance dated 03.02.1994 (Ex.AW-7/11) pertains to the same revenue estate i.e. Village Budha Theh for land measuring 02 *Kanals* 03 *Marlas* and the market value comes to Rs.7,40,465/- per acre, however, the fact that the same was post notification and with a gap of around 07 years and that too after the two acquisitions vide Notifications dated 02.04.1983 (for the benefit of Punjab Tourism Development Corporation Limited) and the present acquisition initiated in terms of notification dated 26.06.1987 (for the Defence purposes); definitely added to the value thereof being the surrounding land. Moreover, the land forming part of sale deed dated 03.02.1994 (Ex.AW-7/11) relates to Rectangle No.49 of the revenue estate of village Budha Theh, District Amritsar and its locational comparison with the land under acquisition not being proved on

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record, the same was not to be considered as the sale exemplar for the purposes of assessment of land under present acquisition.

[11]. With respect to the sale instances Ex.R-1 to Ex.R-6 which have been relied upon by learned counsel appearing on behalf of respondent No.1/Union of India again the same were not to be relied upon as *bona fide* sale transaction for the purpose of adjudicating upon the issue of re-assessment of market value as no site plan was proved on record by the respondent No.1 so as to depict the location of the land forming part of the sale instances Ex.R-1 to Ex.R-6 in comparison to the land under present acquisition.

[12]. In such circumstances, the most reliable evidence available on record is the Award dated 26.11.1987 (Ex.AW-7/8) passed by the learned Reference Court in relation to Notification dated 02.04.1983; pertaining to the same revenue estate of village Budha Theh, District Amritsar.

[13]. From the evidence available on record, especially in terms of the site plan Ex.RX/1 wherein the comparative location of the land forming part of previous Notification dated 02.04.1983 as well as the land under present Notification dated 26.06.1987 has been shown besides the *abadi deh* of village Budha Theh, Power house of the Village and Railway Station Beas been depicted therein, it can be discerned that though the land forming part of earlier acquisition was abutting G.T. Road yet, the difference between the two parcels of land was merely of 04 Rectangles. In such circumstances, the Award dated 26.11.1987 (Ex.AW-7/8) instead of Award dated 05.09.1994 (Ex.RZ) was required to be relied upon as the relevant piece of evidence for the purposes of re-assessment of

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compensation by the learned Reference Court especially when it related to the same revenue estate of Village Budha Theh, District Amritsar as against Ex. RZ which related to different revenue estate of Village Waraich.

[14]. As there has been a difference of around 04 years between the two notification i.e. the previous Notification dated 02.04.1983 relating to the acquisition of land for the benefit of Punjab Tourism Development Corporation Limited and the Notification under Section 4 of the Act, in relation to the present acquisition which was issued on 26.06.1987 for Defense purposes; an appreciation @ 10% at least needs to be applied over and above the price assessed vide Award dated 26.11.1987 (Ex.AW-7/8) and accordingly the market value of the land under present acquisition comes to Rs.1,75,000/- per acre.

[15]. At this stage, it may be noticed here that the land forming part of acquisition carried out in terms of Notification dated 02.04.1983 abuts the G.T. Road whereas the land under present acquisition is at a distance of about 04 Rectangles away from the G.T. Road in comparison to the previous acquisition and as such after applying a cut @ Rs.20% over Rs.1,75,000/- per acre, the market value of the land under the present acquisition carried out vide Notification dated 26.06.1987 comes to Rs.1,40,000/- per acre for Chahi land. With respect to the other categories of land, it be also enhanced in the same proportion and percentage. In addition, the landowners are also held entitled for award of other statutory benefits especially interest on solatium in their favour, payable under the provisions of 1894 Act.

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[16]. Accordingly, in view of the discussion made herein above, the appeals preferred at the instance of appellants-landowners are hereby partly allowed and appeals filed by the respondent/Union of India are thus dismissed.

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

August 29, 2025
Atik/sanjay

(HARKESH MANUJA)
JUDGE

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

Sr. No.	Case No.	Title
1	RFA No.267 of 2004 (O&M)	SH. RAGHBIR SINGH AND ORS Vs. UNION OF INDIA AND ANR.
2	RFA No.268 of 2004 (O&M)	FAUJA SINGH AND ORS V/S UNION OF INDIA AND ANR.
3	RFA No.269 of 2004 (O&M)	PAL SINGH AND ORS V/S UNION OF INDIA AND ORS
4	RFA No.270 of 2004 (O&M)	BALWANT KAUR AND ANR.V/S UNION OF INDIA AND ANR.
5	RFA No.271 of 2004 (O&M)	BALWANT KAUR AND ORS V/S UNION OF INDIA AND ANR.
6	RFA No.272 of 2004 (O&M)	SUKHDEV SINGH V/S UNION OF INDIA AND ANR.
7	RFA No.274 of 2004 (O&M)	S. SWARAN SINGH AND ANR. V/S UNION OF INDIA AND ANR.
8	RFA No.275 of 2004 (O&M)	SH. LAKHBIR SINGH @ LAKHA AND ORS V/S UNION OF INDIA AND ANR.
9	RFA No.276 of 2004 (O&M)	SH. ARJAN SINGH V/S UNION OF INDIA AND ANR.
10	RFA No.277 of 2004 (O&M)	AVTAR SINGH AND ORS V/S UNION OF INDIA AND ANR.
11	RFA No.278 of 2004 (O&M)	GURMUKH SINGH AND ORS V/S UNION OF INDIA AND ANR.
12	RFA No.279 of 2004 (O&M)	SHRI SADHU SINGH V/S UNION OF INDIA AND ANR.
13	RFA No.280 of 2004 (O&M)	SH. FAUJA SINGH AND ORS. V/S UNION OF INDIA AND ANR.
14	RFA No.281 of 2004 (O&M)	SH. FAUJA SINGH AND ORS. V/S UNION OF INDIA AND ANR.

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15	RFA No.273 of 2004 (O&M)	SH. KASHMIR SINGH AND ORS V/S UNION OF INDIA AND ANR.
16	RFA No.2470 of 2005 (O&M)	UNION OF INDIA V/S SMT. BALWANT KAUR AND ORS.
17	RFA No.2478 of 2005 (O&M)	UNION OF INDIA V/S FAUJA SINGH AND ORS.
18	RFA No.2479 of 2005 (O&M)	UNION OF INDIA V/S SHRI SUKHDEV SINGH AND ANR.
19	RFA No.2918 of 2005 (O&M)	UNION OF INDIA V/S BAWA SINGH AND ORS
20	RFA No.2481 of 2005 (O&M)	UNION OF INDIA V/S SHRI FAUJA SINGH AND ORS
21	RFA No.2482 of 2005 (O&M)	UNION OF INDIA V/S SHRI GURDIAL SINGH AND ORS
22	RFA No.2606 of 2005 (O&M)	UNION OF INDIA V/S AVTAR SINGH AND ORS
23	RFA No.2607 of 2005 (O&M)	UNION OF INDIA V/S AVTAR SINGH AND ORS
24	RFA No.2469 of 2005 (O&M)	UNION OF INDIA V/S SHRI ARJAN SINGH AND ANR.
25	RFA No.2480 of 2005 (O&M)	UNION OF INDIA V/S FAUJA SINGH AND ORS.

August 29, 2025
Atik/ sanjay

(HARKESH MANUJA)
JUDGE