



**RFA-992-2019(O&M)
and other connected cases**

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

**RFA-992-2019(O&M)
and other connected cases
Date of decision: 11.03.2025**

**Principal Secretary, Govt. of Punjab, Rural Development and
Panchayat Department, Mohali**

..Appellant

Versus

Harsimranpal Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Dr. D.S.Lamba, DAG, Punjab

Mr. Vipin Mahajan, Advocate for the landowners

ANIL KSHETARPAL, J. (Oral)

Applications for condonation:-

1. For the reasons stated in the applications, delay in filing the appeals stand condoned.
2. CMs stand allowed.

Main cases

1. Brief facts:-

1.1 A batch of 100 connected Regular First Appeals (details whereof are given at the foot of the judgment) shall stand disposed of by this common order with the consent of learned counsel representing the parties.

1.2 In fact, the landowners and State of Punjab have filed cross appeals against the market value of the acquired land assessed by the Reference Court (hereinafter referred to as 'RC'). The landowners claim that the proper market value of the acquired land has not been assessed by



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the RC and it needs enhancement whereas the State claims that the amount awarded by the RC is excessive.

1.3 The crucial date for assessing the market value of the acquired land is 25.06.2010, the date when notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as '1894 Act') was published. A narrow strip of land located on both the sides of the road was acquired for beautification and widening the approach road to Baba Bakala Sahib, a religious place. Vide award no.1 dated 05.05.2011 the shop keepers were given compensation at the rate of Rs.2920/- per square feet. On applications filed under Section 18 of the 1894 Act, the references were forwarded to the court. The landowners claim that their shops and houses have been acquired and the market value of the acquired property was not less than Rs.6,000/- per square feet. The defendants opposed the prayer.

2. Evidences adduced:-

2.1 In order to prove their case, the landowners examined the following witnesses:-

AW1	Gulzar Singh
AW2	Kawaljit Singh
AW3	Gurmit Singh
AW4	Kirpal Singh
AW5	Iqbal Singh
AW6	Surinder Singh
AW7	Harsimran Pal Singh
AW8	Pritam Singh
AW9	Balkar Singh
AW10	Ajit Singh
AW11	Baldev Singh
AW12	Mukhtar Singh
AW13	Sukhjit Singh
AW14	Gurdial Singh



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AW15	Didar Singh
AW16	Dhian Chand, Registration Clerk, Sub Registrar, Baba Bakala
AW17	Jagdish Mitter, Deed Writer
AW18	Varinder Singh

2.2 The State examined Manjit, Tehsildar, Baba Bakala who tendered his affidavit as RW1/A alongwith documents.

3. Reasons recorded by the RC

3.1 The RC assessed the market value at the rate of Rs.4,031/- per square feet instead of Rs.2920/- per square feet on the basis of sale deed dated 24.01.2008. The court held that on basic value as reflected in the sale deed, the landowners shall be entitled to 12% per year increase.

4. Analysis and Discussion:-

4.1 On 10.03.2025, the following order was passed:-

“Learned counsel representing the parties have been heard at some length.

The landowners rely upon agreement to sell dated 29.09.2008 with respect to shops no.86 to 91 measuring 237 sq. feet for a sale consideration of Rs.8,70,000/-.

Learned counsel representing the appellants submits that subsequently in order to save the stamp duty, the sale deed was registered by reflecting the price of Rs.2,50,000/-. Subsequently, after investigation, the Sub Divisional Magistrate sent a report to the Collector, recommended recovery of deficient stamp duty from the vendees on the amount of Rs.6,20,000/-. He submits that this sale deed has been wrongly ignored by the Reference Court. He has also produced a layout plan showing the location of the acquired land and location of agreement to sell with respect to shop no.86 to 91.

Learned State counsel is requested to call the revenue official and verify the location of the shop which was agreed to be sold vide agreement to sell dated 29.09.2008.

List on 11.03.2025.



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A photocopy of this order be placed on the files of the other connected cases.”

4.2 In compliance with the order, Sh.Jog Raj Singh, Patwari, Baba Bakala alongwith the State counsel is present in the Court today. He admits that the aforesaid agreement to sell dated 29.09.2008, is with respect to shops no.86 to 91 measuring 225 sq.feet, which was also acquired. He states that on both sides of the road, there was a market, 11 feet narrow strip of land from both sides of the road was acquired. He also admits that there was a report of the Sub Divisional Magistrate recommending the recovery of stamp duty from the vendees on the amount of Rs.6,20,000/-.

4.2 Learned counsel representing the State submits that the landowners did not press this aspect before the RC. He submits that the court should not allow the landowners to press this issue for the first time.

4.3 The existence of shops on both sides of the road leading to the Gurdwara is not in dispute. The acquisition of the aforesaid shops and residential area in order to widen the road is also not disputed. The report of the Sub Divisional Magistrate alongwith the copy of the agreement to sell is already a part of the record. The correctness of the same has been admitted by the revenue official before this Court, who was summoned. While assessing the market value of the acquired land, the court is required to take a holistic view of the matter keeping in view the interest of the landowners, who stand deprived of their property on account of acquisition by the State. They have to be adequately compensated. Once it is established that the market value of the property as on 29.09.2008, was at the rate of Rs. 3663/- per square feet ($8,70,000/237.5 = 3663$) then it will not be appropriate for



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the Court to exclude the aforesaid evidence from consideration. This Court is hearing the first appeal which is the Court of fact and law both. The First Appellate Court is required to re-appreciate the evidence.

5. Decision:-

5.1 Keeping in view the aforesaid facts and discussion, the base price of the acquired land is assessed at Rs.3663/- per sq. feet. There is a gap of 21 months between the date of notification under Section 4 of the '1894 Act' and the agreement to sell dated 29.09.2008. The appellants shall be entitled to increase at the rate of 10% per annum on the base value of Rs.3663/-. Hence, the market value is assessed at Rs.4332/- per sq. feet. No other submission was made. Hence, the appeals filed by the landowners shall stand allowed whereas that of the State shall stand dismissed.

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

**(ANIL KSHETARPAL)
JUDGE**

11.03.2025

rekha

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No

Sr. No.	Case No.	Appellant(s)	Respondent(s)
1.	RFA-992-2019	PRINCIPAL SECRETARY, GOVT. OF PUNJAB, RURAL DEVELOPMENT AND PANCHAYAT DEPARTMENT, MOHALI	HARSIMRANPAL SINGH AND OTHERS
2.	RFA-2107-2019	PRINCIPAL SECRETARY GOVERNMENT OF PUNJAB	BHAJAN KAUR AND ORS
3.	RFA-2106-2019	PRINCIPAL SECRETARY GOVERNMENT OF PUNJAB	DARSHAN SINGH AND ORS
4.	RFA-2105-2019	PRINCIPAL SECRETARY GOVERNMENT OF PUNJAB	TARSEM SINGH AND ORS
5.	RFA-2104-2019	PRINCIPAL SECRETARY GOVERNMENT OF PUNJAB	DARSHAN SINGH AND OTHERS
6.	RFA-2103-2019	PRINCIPAL SECRETARY GOVERNMENT OF PUNJAB	KAWALJIT SINGH AND OTHERS



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7.	RFA-2102-2019	PRINCIPAL SECRETARY GOVERNMENT OF PUNJAB	HARJINDER SINGH AND ORS
8.	RFA-2101-2019	PRINCIPAL SECRETARY GOVERNMENT OF PUNJAB	NARINDER KAUR AND ORS
9.	RFA-2100-2019	PRINCIPAL SECRETARY GOVERNMENT OF PUNJAB	CHARANJIT SINGH AND ORS
10.	RFA-2108-2019	PRINCIPAL SECRETARY GOVERNMENT OF PUNJAB	IQBAL SINGH AND ORS
11.	RFA-1906-2019	PRINCIPAL SECRETARY, GOVERNMENT OF PUNJAB	PRITAM SINGH AND OTHERS
12.	RFA-1905-2019	PRINCIPAL SECRETARY, GOVERNMENT OF PUNJAB	AJIT SINGH AND OTHERS
13.	RFA-1904-2019	PRINCIPAL SECRETARY GOVERNMENT OF PUNJAB	SATWINDER SINGH AND ORS
14.	RFA-1903-2019	PRINCIPAL SECRETARY, GOVERNMENT OF PUNJAB	GAGANDEEP SINGH AND OTHERS
15.	RFA-1902-2019	PRINCIPAL SECRETARY, GOVT OF PUNJAB	PRITAM SINGH AND ORS
16.	RFA-1901-2019	PRINCIPAL SECRETARY, GOVT OF PUNJAB	SURJIT SINGH AND ORS
17.	RFA-1914-2019	PRINCIPAL SECRETARY, GOVERNMENT OF PUNJAB	DIDAR SINGH ALIAS DARA AND OTHERS
18.	RFA-1908-2019	PRINCIPAL SECRETARY, GOVERNMENT OF PUNJAB	GULZAR SINGH AND OTHERS
19.	RFA-1907-2019	PRINCIPAL SECRETARY, GOVT OF PUNJAB	AMARJIT SINGH AND ORS
20.	RFA-2065-2019	PRINCIPAL SECRETARY GOVERNMENT OF PUNJAB	AMRIK SINGH AND ORS
21.	RFA-4333-2016	JAGTAR SINGH	THE PRINCIPLE SECRETARY GOVT OF PUNJAB & ORS
22.	RFA-4332-2016	SURINDER KUMAR	THE PRINCIPLE SECRETARY GOVT OF PUNJAB & ORS
23.	RFA-4331-2016	BALJIT KAUR	THE PRINCIPLE SECRETARY GOVT OF PUNJAB & ORS
24.	RFA-4330-2016	GULZAR SINGH	THE PRINCIPLE SECRETARY GOVT OF PUNJAB & ORS
25.	RFA-4329-2016	BALJINDER KAUR	THE PRINCIPLE SECRETARY GOVT OF PUNJAB & ORS
26.	RFA-4328-2016	SURJIT SINGH	THE PRINCIPLE SECRETARY GOVT OF PUNJAB & ORS
27.	RFA-4327-2016	PAL JEET	THE PRINCIPLE SECRETARY GOVT OF PUNJAB & ORS
28.	RFA-4326-2016	RAKESH KUMAR	THE PRINCIPLE



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			SECRETARY GOVT OF PUNJAB & ORS
29.	RFA-4315-2016	KIRPAL SINGH	PRINCIPAL SECY, GOVT. OF PUNJAB & ORS.
30.	RFA-1323-2017	AJIT SINGH	PRINCIPAL SECY, GOVT. OF PUNJAB & ORS.
31.	RFA-4341-2016	HARJINDER SINGH	THE PRINCIPLE SECRETARY GOVT OF PUNJAB & ORS
32.	RFA-4340-2016	RANDIP KAUR	THE PRINCIPLE SECRETARY GOVT OF PUNJAB & ORS
33.	RFA-4339-2016	NARINDER KAUR	THE PRINCIPLE SECRETARY GOVT OF PUNJAB & ORS
34.	RFA-4338-2016	CHARANJIT SINGH	THE PRINCIPLE SECRETARY GOVT OF PUNJAB & ORS
35.	RFA-4337-2016	NIRANJAN SINGH	THE PRINCIPLE SECRETARY GOVT OF PUNJAB & ORS
36.	RFA-4336-2016	NARESH KUMAR	THE PRINCIPLE SECRETARY GOVT OF PUNJAB & ORS
37.	RFA-4335-2016	SANTOSH KAUR	THE PRINCIPLE SECRETARY GOVT OF PUNJAB & ORS
38.	RFA-4334-2016	BALKAR SINGH	THE PRINCIPLE SECRETARY GOVT OF PUNJAB & ORS
39.	RFA-4348-2016	PRITAM SINGH	THE PRINCIPLE SECRETARY GOVT OF PUNJAB & ORS
40.	RFA-4347-2016	AJIT SINGH	THE PRINCIPLE SECRETARY GOVT OF PUNJAB & ORS
41.	RFA-4346-2016	SWARAN SINGH	THE PRINCIPLE SECRETARY GOVT OF PUNJAB & ORS
42.	RFA-4345-2016	JASWANT SINGH	THE PRINCIPLE SECRETARY GOVT OF PUNJAB & ORS
43.	RFA-4344-2016	AMARJIT SINGH	THE PRINCIPLE SECRETARY GOVT OF PUNJAB & ORS
44.	RFA-4343-2016	TARSEM SINGH	THE PRINCIPLE SECRETARY GOVT OF PUNJAB & ORS
45.	RFA-4342-2016	TEJINDER SINGH	THE PRINCIPLE SECRETARY GOVT OF PUNJAB & ORS
46.	RFA-4920-2016	GURMEJ SINGH SINCE DECEASED	THE PRINCIPLE



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		THROUGH LRS	SECRETARY GOVT OF PUNJAB & ORS
47.	RFA-4919-2016	DARSHAN SINGH SINCE DECEASED THROUGH LRS	THE PRINCIPAL SECRETARY GOVT OF PUNJAB & ORS
48.	RFA-4918-2016	DARSHAN SINGH SINCE DECEASED THROUGH LRS	THE PRINCIPAL SECRETARY GOVT OF PUNJAB & ORS
49.	RFA-4917-2016	GURMEET SINGH	THE PRINCIPLE SECRETARY GOVT OF PUNJAB & ORS
50.	RFA-4426-2016	NAZAR SINGH SINCE DECEASED THROUGH LRS	THE PRINCIPLE SECRETARY GOVT OF PUNJAB & ORS
51.	RFA-4425-2016	NAZAR SINGH SINCE DECEASED THROUGH LRS	THE PRINCIPLE SECRETARY GOVT OF PUNJAB & ORS
52.	RFA-4928-2016	KULDEEP SINGH	THE PRINCIPAL SECRETARY GOVT OF PUNJAB & ORS
53.	RFA-4927-2016	AMRIT KAUR	THE PRINCIPLE SECRETARY GOVT OF PUNJAB & ORS
54.	RFA-4926-2016	SATWINDER SINGH	THE PRINCIPLE SECRETARY GOVT OF PUNJAB & ORS
55.	RFA-4925-2016	BHAJAN KAUR	THE PRINCIPAL SECRETARY GOVT OF PUNJAB & ORS
56.	RFA-4924-2016	PRITAM SINGH	THE PRINCIPLE SECRETARY GOVT OF PUNJAB & ORS
57.	RFA-4923-2016	PRITAM SINGH	THE PRINCIPLE SECRETARY GOVT OF PUNJAB & ORS
58.	RFA-4922-2016	MANJIT SINGH	THE PRINCIPLE SECRETARY GOVT OF PUNJAB & ORS
59.	RFA-4921-2016	AMRIK SINGH	THE PRINCIPLE SECRETARY GOVT OF PUNJAB & ORS
60.	RFA-4936-2016	HARSIMRANPAL SINGH	THE PRINCIPLE SECRETARY GOVT OF PUNJAB & ORS
61.	RFA-4935-2016	GAGANDEEP SINGH	THE PRINCIPLE SECRETARY GOVT OF PUNJAB & ORS
62.	RFA-4934-2016	KAWALJIT SINGH	THE PRINCIPLE SECRETARY GOVT OF PUNJAB & ORS
63.	RFA-4933-2016	DIDAR SINGH @ DARA SINGH	THE PRINCIPAL SECRETARY GOVT OF PUNJAB & ORS
64.	RFA-4932-2016	AMRIK SINGH	THE PRINCIPLE



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			SECRETARY GOVT OF PUNJAB & ORS
65.	RFA-4931-2016	SUKHJIT SINGH @ GULU	THE PRINCIPLE SECRETARY GOVT OF PUNJAB & ORS
66.	RFA-4930-2016	JALWANT SINGH	THE PRINCIPAL SECRETARY GOVT OF PUNJAB & ORS
67.	RFA-4929-2016	IQBAL SINGH	THE PRINCIPAL SECRETARY GOVT OF PUNJAB & ORS
68.	RFA-4937-2016	NIRANJAN SINGH	THE PRINCIPLE SECRETARY GOVT OF PUNJAB & ORS
69.	RFA-4938-2016	RAJWANT KAUR	THE PRINCIPLE SECRETARY GOVT OF PUNJAB & ORS
70.	RFA-993-2019	PRINCIPAL SECRETARY, GOVT. OF PUNJAB, RURAL DEVELOPMENT AND PANCHAYAT DEPARTMENT	RAJWANT KAUR AND ORS
71.	RFA-1889-2019	PRINCIPAL SECRETARY, GOVT OF PUNJAB	PRITAM SINGH AND ORS
72.	RFA-1890-2019	PRINCIPAL SECRETARY, GOVT OF PUNJAB	AJIT SINGH AND ORS
73.	RFA-1891-2019	PRINCIPAL SECRETARY, GOVT OF PUNJAB	KULDEEP SINGH AND ORS
74.	RFA-1888-2019	PRINCIPAL SECRETARY, GOVERNMENT OF PUNJAB	AMRIT KAUR AND ORS
75.	RFA-1887-2019	PRINCIPAL SECRETARY, GOVERNMENT OF PUNJAB	NIRANJAN SINGH AND ORS
76.	RFA-1886-2019	PRINCIPAL SECRETARY, GOVT OF INDIA	NARESH KUMAR AND ORS
77.	RFA-1885-2019	PRINCIPAL SECRETARY, GOVT OF INDIA	SANTOSH KAUR AND ORS
78.	RFA-1884-2019	PRINCIPAL SECRETARY, GOVT OF PUNJAB	GURMEJ SINGH AND ORS
79.	RFA-1883-2019	PRINCIPAL SECRETARY, GOVT OF PUNJAB	NIRANJAN SINGH AND ORS
80.	RFA-1900-2019	PRINCIPAL SECRETARY, GOVT OF PUNJAB	SWARAN SINGH AND ORS
81.	RFA-1899-2019	PRINCIPAL SECRETARY, GOVERNMENT OF PUNJAB	JAGTAR SINGH AND OTHERS
82.	RFA-1898-2019	PRINCIPAL SECRETARY, GOVT OF PUNJAB	JASWANT SINGH AND ORS
83.	RFA-1897-2019	PRINCIPAL SECRETARY, GOVT OF PUNJAB	BALKAR SINGH AND ORS
84.	RFA-1896-2019	PRINCIPAL SECRETARY, GOVT OF PUNJAB	SURINDER KUMAR AND ORS
85.	RFA-1895-2019	PRINCIPAL SECRETARY, GOVERNMENT OF PUNJAB	BALJIT KAUR AND ORS
86.	RFA-1894-2019	PRINCIPAL SECRETARY, GOVERNMENT OF PUNJAB	BALJINDER KAUR AND OTHERS



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87.	RFA-1893-2019	PRINCIPAL SECRETARY, GOVERNMENT OF PUNJAB	GURMEET SINGH AND OTHERS
88.	RFA-1892-2019	PRINCIPAL SECRETARY, GOVERNMENT OF PUNJAB	JASBIR SINGH AND OTHERS
89.	RFA-2094-2019	PRINCIPAL SECRETARY GOVERNMENT OF PUNJAB	RAKESH KUMAR AND ORS
90.	RFA-2093-2019	PRINCIPAL SECRETARY GOVERNMENT OF PUNJAB	SUKHJIT ALIAS GULU AND ORS
91.	RFA-2092-2019	PRINCIPAL SECRETARY GOVERNMENT OF PUNJAB	NAZAR SINGH AND ORS
92.	RFA-2067-2019	PRINCIPAL SECRETARY GOVERNMENT OF PUNJAB	NAZAR SINGH AND ORS
93.	RFA-2066-2019	PRINCIPAL SECRETARY GOVERNMENT OF PUNJAB	TEJINDER SINGH AND ORS
94.	RFA-2098-2019	PRINCIPAL SECRETARY GOVERNMENT OF PUNJAB	MANJIT SINGH AND ORS
95.	RFA-2097-2019	PRINCIPAL SECRETARY GOVERNMENT OF PUNJAB	RANDIP KAUR AND ORS
96.	RFA-2096-2019	PRINCIPAL SECRETARY GOVERNMENT OF PUNJAB	PAL JEET AND ORS
97.	RFA-2095-2019	PRINCIPAL SECRETARY GOVERNMENT OF PUNJAB	JALWANT SINGH AND ORS
98.	RFA-2099-2019	PRINCIPAL SECRETARY GOVERNMENT OF PUNJAB	AMRIK SINGH AND ORS
99.	RFA-4916-2016	JASBIR SINGH	PRINCIPAL SECRETARY GOVERNMENT OF PUNJAB AND ORS
100.	RFA-4939-2016	KARAMJIT SINGH	PRINCIPAL SECRETARY GOVERNMENT OF PUNJAB AND ORS

**(ANIL KSHETARPAL)
JUDGE**

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