



RFA-2760-2003 (O&M) & other connected cases [1]

2026:PHHC:013730



119 (6 cases)

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

RFA-2760-2003 (O&M)

Date of Decision: 30.01.2026

Kartar Kaur

.....Appellant

Versus

The Punjab State and another**Respondents**

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. M.L. Sarin, Sr. Advocate with
Mr. Ritesh Aggarwal, Advocate
for the appellants.
Mr. Athar Ahmed, DAG, Punjab.
Mr. Raman Sharma, Advocate
for respondent No.2.

HARKESH MANUJA, J. (ORAL)

Vide this common order, a bunch of 6 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.2760 -2003**.

2. By way of filing the present appeal(s) challenge has been laid to the decision dated 31.01.2003 passed by the learned Additional District Judge, Bathinda-cum-Reference Court (for short 'the Reference Court').

3. Briefly stating, 183 kanals 5 marlas of land, situated within the revenue estate of Village Phus Mandi, Tehsil and District Bathinda was acquired by the Government of Punjab vide

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notifications dated 31.12.1991 and 23.07.1992, issued under Sections 4 and 6 of the Land Acquisition Act, 1894, for short 'the Act' respectively, for public purpose i.e. "*for Bharat Petroleum Corporation for its expansion for putting up pipe line for Kandla to Bathinda*". The Land Acquisition Collector (for short 'the LAC') vide award 21.07.1994 assessed market value in respect of the acquired land @ Rs.2,00,000/- per acre, besides all other statutory benefits under the Act.

4. Dissatisfied with the aforesaid award, the appellants/landowners filed reference petitions invoking Section 18 of the Act, which came to be dismissed by the learned Reference Court vide decision dated 31.01.2003.

5. Aggrieved of the Award passed by the learned Reference Court, the present appeals were preferred at the instance of appellant(s)/ landowner(s).

6. I have heard learned counsel for the parties and gone through the paper-book.

7. It has not been disputed that a large chunk of land in the same revenue estate of Village Phus Mandi, District Bathinda was acquired just 9 months prior to the present acquisition for public purpose, namely, "*for extension of Oil Depot of Indian Oil Corporation Limited at Village Phus Mandi*". Notification under Section 4 of the Act; was issued for the said acquisition on 18.03.1991 whereas the

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present acquisition commenced vide notification dated 31.12.1991, issued under Section 4 of the Act.

8. As per the site plan Ex.RW1/A, it can be discerned that the land parcel forming part of the previous acquisition and that forming part of the present one are located just opposite to each other been divided by road leading to Bathinda-Talwandi Sabo highway from Village Phus Mandi. In such circumstances, learned Reference Court went wrong having discarded the award dated 12.04.2002 (Ex.XX) pertaining to the determination made in terms of previous acquisition which commenced vide notification dated 18.03.1991 whereby the market value was assessed @ Rs.2.30 lakhs per acre which stands affirmed by this Court vide decision dated 16.11.2015 passed in **RFA No.2430-2002, tilted as Indian Oil Corporation Limited Vs. Sukhdev Singh and another**, especially when geographically the two parcels of land were located in close proximity and thus carried similar potential value.

9. Mere fact that the land parcel acquired vide present notification abuts already existing Oil Depot, cannot be treated as a disadvantage attached to it. Further there being a time gap of around 9 months between the two notifications i.e. 18.03.1991 and 31.12.1991, pertaining to the same revenue estate of Village Phus Mandi, an appreciation @ 9% needs to be awarded in favour of the appellant(s)/ landowner(s) while taking into account the fact that the

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major portion of the acquired land parcel is located on the main road leading from Bathinda-Talwandi Sabo to Village Phus Mandi.

10. Accordingly, in the wake of discussion made hereinabove, while placing reliance upon the previous notification dated 18.03.1991, whereby market value was granted @ Rs.2.30 lakhs per acre, the market value with respect to the land under present acquisition as on the date of notification under Section 4 of the Act comes to Rs.2,30,000/- + 9% (appreciation for the time gap of about 9 months) = Rs.2,50,700/- per acre along with all statutory benefits and interest as provided under the Act, especially the interest on solatium.

11. Further, wherever, the landowner(s) has/have unfortunately expired in the appeal(s)/ cross-objection(s) after filing thereof and the legal heirs have not been impleaded, they shall be at liberty to seek execution of the present decision by moving appropriate application(s) before the learned Executing Court.

12. Accordingly, the appeals filed by the appellant(s)/ landowners area allowed in the aforesaid terms.

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

**30.01.2026
sanjay**

**(HARKESH MANUJA)
JUDGE**

Whether speaking/reasoned?	Yes/No
Whether Reportable?	Yes/No



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Sr. No.	Case No.
1.	RFA-3162-2003 (O&M)
2.	RFA-3163-2003 (O&M)
3.	RFA-3164-2003 (O&M)
4.	RFA-3165-2003 (O&M)
5.	RFA-3446-2003 (O&M)

30.01.2026
sanjay

(HARKESH MANUJA)
JUDGE