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

RFA-364-1998 (O&M)

Date of Decision: 01.10.2025

State of Haryana

.....Appellant

Versus

Parmeshwari and ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.Abhinash Jain, DAG, Haryana.

Mr. Ashwani Bakshi, Advocate
for the respondents/ landowners.

HARKESH MANUJA, J. (ORAL)

In this common order, three Regular First Appeals are being decided. The details of these appeals are provided in the footnote of this judgment. These appeals arise from a common acquisition/award involving shared facts and legal questions. For brevity, the facts are taken from **RFA No. 364 of 1998**.

2. By filing the present appeal(s), the respondents challenge the decision dated 10.11.1997 passed by the learned Additional District Judge, Sirsa-cum-Reference Court.

The Government of Haryana acquired, 10.21 acre of land



within the revenue estate of Village Khaireka, Tehsil and District Sirsa. This acquisition was made for public purposes to construct the Rori Ghaggar Drain from RD No. 0 to 31500, as per notifications dated 31.01.1993 and 29.03.1993 issued under Sections 4 and 6 of the Land Acquisition Act, 1894 (hereinafter referred to as the 'Act'), respectively. The Land Acquisition Collector, Sirsa (referred to as 'the LAC'), assessed the market value of the acquired land at Rs.1,00,000/- per acre for Nehri and Chahi, Rs. 60,000/- per acre for Barani and Gair Mumkin, and Rs. 30,000/- per acre for Sailab. The LAC also granted all other statutory benefits under the Act.

3. However, the landowners were aggrieved by this decision and invoked Reference under Section 18 of the Act. The learned Reference Court, in its award dated 10.11.1997, determined the market value of the acquired land at Rs.2,56,000/- per acre and awarded all other statutory benefits under the Act.

4. Feeling dissatisfied with the award passed by the learned Reference Court, the present appeals were preferred at the instance of the appellant State.

5. The State Counsel argues that the learned Reference Court went wrong having placed reliance upon the sale instance, Ex.P-4, dated 22.03.1993, in its decision. This instance was post-notification under Section 4 of the Act, and its nature and potential were not comparable to the land being acquired. The State Counsel



points out that the land in Ex.P-4 was situated on the main road (National Highway No.10), while the land under acquisition was approximately 10 acres away. Therefore, it cannot be considered a suitable sale exemplar.

5.1. Furthermore, the State Counsel contends that if the learned Reference Court had considered Ex.P4, an appropriate cut would have been applied. The sale instance dated 22.03.1993 involved 4 kanals of land, while the acquisition of land measured 08.92 acres. In such circumstances, the State Counsel argues that the impugned Award should be modified appropriately by reducing the amount of compensation assessed by the learned Reference Court.

6. On the other hand, the learned counsel representing the landowners argues that there was no illegality or perversity in the judgment passed by the learned Reference Court. He contends that the sale deeds, Ex.P3 and Ex.P4, dated 10.09.1992 and 22.03.1993, were part of the same revenue estate of Village Khaireka, District Sirsa. Therefore, those were rightly relied upon by the learned Reference Court for the purpose of assessing the market value. Consequently, there was no need for any interference.

7. I have heard the arguments of both parties and reviewed the relevant documents. In the present case, the learned Reference Court, while considering the sale instances Ex.P3 and Ex.P4,



reassessed the market value of the acquired land as of the date of the notification under Section 4 of the Act, which was 31.01.1993. The Court determined that the market value of the land was Rs.2,50,000/- per acre. There is no dispute that the sale instance Ex.P4, dated 22.03.1993, pertains to 4 kanals of land and has a market value of Rs.2,50,000/- per acre. However, this transaction occurred after the notification under Section 4 of the Act.

8. Even if the value of the land under acquisition is assessed relying upon the sale instance Ex.P3, dated 10.09.1992, which is pre-notification under Section 4 of the Act, and relates to 3 kanal 1 marla of land forming part of the same revenue estate of Village Khaireka, District Sirsa, the market value again comes to approximately Rs.2,50,000/- per acre. This is because the sale instance Ex.P3, dated 10.09.1993, pertains to land measuring 3 kanal 1 marla with a sale price per acre of Rs.2,62,000/-.

9. Considering the time gap of around 5 months between the date of sale instance Ex.P3 (10.09.1992) and the date of notification under Section 4 of the Act (31.01.1993/01.02.1993), after giving appreciation of 5% for the time gap and applying a deduction of 10% towards the development cost, the value comes to approximately Rs.2,47,590/- per acre.

In the humble opinion, this Court notes that the purpose of acquisition in this case is to construct a drain in Village Khaireka,

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Tehsil, and District Sirsa, therefore, the respondent State will not incur any loss of land in providing civil amenities such as green belts, parks and community buildings etc. Moreover, the respondent State will not have to bear any costs for the development of such infrastructures. Considering these facts and circumstances, the deduction of 10% towards development cost on the sale price per acre, as per the sale instance Ex.P3 dated 10.03.1992, is justified especially, the sale instance Ex.P3 involves a relatively larger piece of land measuring 3 kanals 1 marla, compared to the acquired land of 10.21 acres.

10. Considering the reasons recorded above, the present appeals are dismissed as they lack merits.

11. All pending application(s), if any, shall also stand disposed of.

01.10.2025
sanjay

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned?
Whether Reportable?

Yes/No
Yes/No

Sr.No.	Case No.
1.	RFA-203-1999 (O&M)
2.	RFA-204-1999 (O&M)

01.10.2025
sanjay

(HARKESH MANUJA)
JUDGE