



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

RFA-6848-2015 (O&M) and  
other connected cases  
Reserved on: 06.03.2025  
Date of decision: 19.03.2025

CHANDER KANTA AND ANOTHER

..Appellants

Versus

STATE OF HARYANA AND OTHERS

..Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. M.L. Sharma, Advocate  
Mr. Sushil K. Sharma, Advocate  
for the appellants-landowners.

Mr. Ajay Jain, Advocate  
Mr. Mohit Kakkar, Advocate  
for the applicant  
(in CM-5243-CI-2021 in RFA-6718-2015).

Ms. Vibha Tewari, AAG, Haryana.

**ANIL KSHETARPAL, J.**

**1. Preface:-**

1.1 With the consent of learned counsel representing the parties, a batch of 33 connected cross Regular First Appeals (detail whereof is given at the foot of the judgment) requiring assessment of the market value of the acquired land at village Agroha shall stand disposed of by this common order.



1.2 The relevant and important details of the acquisition are as under:-

<b>Sr. No.</b>	<b>Particulars</b>	<b>Important dates and details</b>
1.	<i>Date of Notification under Section 4 of the Land Acquisition Act, 1894 (in short '1894 Act')</i>	<i>15.01.2008</i>
2	<i>Date of Notification under Section 6 of the 1894 Act.</i>	<i>10.08.2008</i>
3.	<i>Award No.</i>	<i>06 dated 08.09.2010</i>
4.	<i>Total land acquired</i>	<i>202.40 acres</i>
5.	<i>Purpose of acquisition</i>	<i>For developing residential Section 6 by Haryana Urban Development Authority (in short 'HUDA') in Villages Agroha and Mirpur.</i>
6.	<i>Market value assessed in the Award passed by the Land Acquisition Collector (in short 'LAC')</i>	<i>Rs.8,00,000/- per acre.</i>
7.	<i>The RC has dismissed the petitions filed under Section 18 of the '1894 Act'.</i>	<i>31.07.2015</i>

*Note: Subsequently, the landowners were offered Rs.12,00,000/- per acre. Ultimately, the landowners were paid Rs.16,00,000/- per acre by the government.*

1.3 The acquired land located in village Mirpur is in the following rectangle numbers:-

- "i. Rectangle No.30*
- ii. Rectangle No.31*
- iii. Rectangle No.50*
- iv. Rectangle No.51*
- v. Rectangle No.52*
- vi. Rectangle No.115"*

1.4 The acquired land located in village Agroha is in the following rectangle numbers:-

- "i. Rectangle No.93*
- ii. Rectangle No.94*
- iii. Rectangle No.95*



- iv. Rectangle No.96
- v. Rectangle No.112
- vi. Rectangle No.113
- vii. Rectangle No.117
- viii. Rectangle No.118”

1.5 At this stage, it is appropriate to notice the meaning of various words/phrases/expressions used while referring to the size of a unit of an agricultural land prevalent in the State of Haryana:-

1 Rectangle	=	5 X 5 = 25 Acre (Rectangular shape)
1 Acre (Rectangular shape)	=	160 Marlas
8 Kanal	=	1 Acre
1 Kanal	=	20 Marlas (605 sq. yards)
1 Acre	=	4840 Sq. Yards
1 Marla	=	30.25 Sq. Yards
1 Inch	=	2.54 cm
1 Foot	=	12 Inch
1 Sq. Feet	=	12 X 12 = 144 Inch
1 Yard	=	3 Feet
1 Sq. Yard	=	9 Sq. Feet
100 Sq. Yards	=	900 Sq. Feet
1 Kanal	=	0.125 Acre
1 Marla	=	0.00625001 Acre
//	=	Rectangle
/	=	Killa/acre/khasra number

## 2. **Brief facts:-**

2.1 HUDA, now referred to as ‘HSVP’ is an instrumentality of the State, which carries on the work of colonization and plan development of the cities and sub-urban areas. The acquired land is sought to be developed into a residential sector.

2.2 The landowners claim that the market value of the acquired land was not less than Rs.155.5/- crore per acre as Village Agroha is a historic place and has importance not only in India but in the entire world. It is believed that forefathers of Aggarwal community belong to Village Agroha.



Agroha Dham is situated just opposite to the acquired land, which includes Temple of Hindu idols, ponds and shops. Maharaja Agrasen Medical College and Research Institute is also located adjacent to the acquired land. Village Agroha is located on National Highway No.10 (in short 'NH-10') between Hisar and Fatehabad districts. There are important schools, colleges, hospitals, industries, veterinary hospitals, grain market, police station, shops and commercial establishment, near the acquired land. In response, the State claims that the LAC has correctly assessed the market value.

2.3 In oral evidence, the landowners have examined the following witnesses:-

<i>PW-1</i>	<i>Jai Singh</i>
<i>PW-2</i>	<i>Bhup Singh</i>
<i>PW-3</i>	<i>Sita Ram, Patwari</i>
<i>PW-4</i>	<i>Hoshiar Singh</i>
<i>PW-5</i>	<i>Ram Sarup Chugh</i>
<i>PW-6</i>	<i>Jaipal</i>
<i>PW-7</i>	<i>Rajesh</i>
<i>PW-8</i>	<i>Partap</i>

2.4 Apart from the sale deeds, the landowners have produced the following documentary evidence:-

<i>Ex.P-3</i>	<i>The Imperial Gazetteer of India</i>
<i>Ex.P-4</i>	<i>Haryana District Gazetteers</i>
<i>Ex.P-5</i>	<i>Copy of Award No.6 dated 08.09.2010</i>
<i>Ex.P-6</i>	<i>Copy of Award No.7 dated 12.01.2011</i>
<i>Ex.P-7</i>	<i>Copy of Award No.8 dated 27.01.2011</i>
<i>Ex.P-8</i>	<i>Copy of list of rate land within municipal limit</i>
<i>Ex.P-9</i>	<i>Copy of letter No.2036 dt. 17.11.2008</i>
<i>Ex.P-10</i>	<i>Copy of letter No.3890-91 dt. 01.10.08</i>
<i>Ex.P-11</i>	<i>Copy of layout plan</i>



<i>Ex.P-12</i>	<i>Copy of Jamabandi for the year 2011-12</i>
<i>Ex.P-13</i>	<i>Copy of Jamabandi for the year 2011-12</i>
<i>Ex.P-14</i>	<i>Copy of mutation</i>
<i>Ex.P-15</i>	<i>Copy of registration letter of society</i>
<i>Ex.P-16</i>	<i>Copy of lease deed dated 13.11.2010</i>
<i>Ex.P-17</i>	<i>Copy of affidavit of Sh. Salig Ram Gupta</i>

2.5 RW-1 Sita Ram, Patwari, was examined by HUDA and the following documentary evidence were produced:-

<i>Ex.R-1</i>	<i>Copy of Award No.6 dated 08.09.2010</i>
<i>Ex.R-2</i>	<i>Copy of Registry</i>
<i>Ex.R-18</i>	<i>Layout plan</i>

2.6 At this stage, it is considered appropriate to compile the complete information in respect of the various sale deeds produced by the parties in a tabulated form:-

SALE DEED PRODUCED BY THE LANDOWNERS						
Sr. No.	Exhibits	Sale deed Number and Date	Total Area (in K-M)/ Sale consideration (in Rs.)	Total Sq. Yards (in sq. yd.)	Rate per sq. yards (in Rs.)/ Per acre rate (in Rs.)	Village
1	P1	11753 dt. 26.2.2007	27-6 90,46,537/-	16516.5	<u>547.72/-</u> 26,50,964.8/-	Agroha
2	P2	12992 dt. 23.3.2007	8-0 31,10,000/-	4840	<u>642.56/-</u> 31,09,990.4/-	Agroha
3	P18	5055 dt. 23.07.2007	0-5 2,40,000/-	160	<u>1500/-</u> 72,60,000/-	Agroha
4	P19	1913 dt.10.06.2009	0-5 4,00,000/-	160	<u>2500/-</u> 1,21,00,000/-	Agroha
5	P20	2599 dt. 29.05.2012	1-16 22,50,000/-	1086	<u>2073.73/-</u> 1,00,36,853.2/-	Agroha
SALE DEED PRODUCED BY THE STATE						
1	R3	9307 dt. 22.2.2006	12-16 6,75,000/-	7744	<u>87.16/-</u> 4,21,854.4/-	Meerpur
2	R4	4635 dt. 12.7.2007	2-13 3,20,000/-	1603.25	<u>199.59/-</u> 9,66,015.6/-	Agroha
3	R5	4634 dt. 12.7.2007	7-11 380000/-	4567.75	<u>8319/-</u> 4,02,63,960/-	Agroha
4	R6	4633 dt. 12.7.007	6-7 317500/-	3841.75	<u>82.64/-</u> 3,99,977.6/-	Agroha



5	R7	5446 dt. 27.7.2006	6-0 2,25,000/-	3630	61.98/- 2,99,983.2/-	Agroha
6	R8	9316 dt. 22.12.2006	19-0 831500/-	11495	72.34/- 3,50,125.6/-	Agroha
7	R9	10051 dt. 14.12.2007	6-9 3,22,500/-	3902.25	82.64/- 3,99,977.6/-	Agroha
8	R10	10581 dt. 28.12.2007	25-5 1265000/-	15276.25	82.95/- 4,00,026/-	Agroha
9	R11	5015 dt. 27.7.2006	6-0 2,65,000/-	3630	73.14/- 3,53,997.6/-	Agroha
10	R12	11303 dt. 19.1.2005	1-0 22500/-	605	37.19/- 1,79,999.6/-	Agroha
11	R13	4630 dt. 12.7.2007	10-0 5,00,000/-	6050	82.64/- 3,99,977.6/-	Agroha
12	R14	5643 dt. 8.8.2007	8-0 10,00,000/-	4840	206.61/- 9,99,992.4/-	Agroha
13	R15	6499 dt. 31.8.2007	2-0 1,00,000/-	1210	82.64/- 3,99,977.6/-	Agroha
14	R16	10442 dt. 22.1.2007	6-8 2,70,000/-	3872	69.73/- 3,37,493.2/-	Meerpur
15	R17	11225 dt. 13.2.2007	19-3 1197000/-	11585.75	103.32/- 5,00,068.8/-	Agroha

**3. Arguments addressed:-**

3.1 Mr. M.L. Sharma, the landowners' counsel has filed a detailed note of his written submissions. An application for permission to lead additional evidence has also been filed in RFA-6848-2015, seeking permission of the Court to produce the following documents:-

*“Letter of allotment issued by the Estate Officer, HUDA, bearing Memo No.309 dated 04.01.2018 vide which the land acquired measuring 194.68 acre have been allotted in favour of the Nuclear Power Corporation of India Ltd. (NPCIL) at Agroha, District Hisar, at the total amount of Rs. 162.02 crores (Annexure A- 1).*

*ii. Index Plan of Proposed Controlled Area Around Government High School P.H. Centre Agroha (Annexure A -2).*

*iii. Final Development Plan 2031 A. D for the Controlled Area Around Govt. High School, P.H. Centre, Agroha dated 23.01.2019/03.07.2019 Drawing No. 3672/19 (Annexure A-3) showing the acquired land in YELLOW Colour, Agroha Medical College in RED Lines, National Highway in BLACK Lines, Transactions Exhibit p-1 and Exhibit p-2 in RED Colour, Commercial area in BLUE Lines and other important places showing the potentiality of the land for residential & commercial purpose, Abadi of the village Agroha has also been shown.*



*iv. The Applicants also want to produce in additional evidence Exhibit P-1 and Exhibit P-2 (Annexure A-4 & A-5) the sale transactions which has also been produced before the Ld. Reference Court and have been ignored being of the acquired area and those are proved one being genuine one.*

*v. Further, to substantiate their case, the Applicants also want to adduce the location plan, Agroha, Hisar, prepared by the Landowner (s) on the basis of Final Development Plan 2031 A.D. for the Controlled Area around Govt. High School, P. H. Centre, Agroha (Annexure A- 6).”*

3.2 Learned counsel representing the appellant has made the following submissions:-

- i. Layout plan produced by the State Ex.R-18 is incorrect.
- ii. The landowners produced various sale exemplar, however, he relied upon sale deeds Ex.P-1 and Ex.P-2 to contend that the sale deed Ex.P-3 is of the acquired land, hence, it should have been relied upon by the RC.

3.3 He further submitted that the sale instance Ex.P-2 is also not far away from the acquired land.

3.4 Mr. Ajay Jain, the landowners’ counsel submitted that notification under Section 4 of the ‘1894 Act’ was issued in the year 1988 for acquiring land to establish medical college in the adjacent land, which ultimately was developed in the year 1990. Hence, the acquired land was no longer agricultural land because it is located near a residential area.

3.5 Per contra, learned counsel representing the respondent defended the market value assessed by the LAC, which has been upheld by the RC.



**4. Discussion & Analysis:-**

4.1 This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook along with requisitioned record in the lead case.

4.2 First of all, the award passed by the RC is required to be analyzed. After discussing various sale instances produced by the parties, the RC zeroed down on sale instance Ex.R-14 while making observation that this parcel of land is just near to the acquired land and is located on National Highway. Thereafter, Ex.R-16, Ex.R-17 were discussed and the Court found that Ex.R-14 can be relied upon to assess the market value.

4.3 It is evident from the layout plans produced by the State and landowners that the land comprised in Rectangle No.117 is part of the acquisition. Sale instance Ex.P-3 (23.03.2007) is with respect to 1 acre of land comprised in Rectangle No.117, Khasra No.6, which is very much part of the acquired land. This sale instance is executed approximately 10 months before the notification dated 15.01.2008 was issued. On close scrutiny of the layout plans, it is evident that a compact rectangular block of land has been acquired for developing Sector 6, HUDA. There is a narrow strip of land, which has been acquired for carving out passage from National Highway till the acquired land. This passage is located in Rectangle No.135. Furthermore, Village Agroha and Mirpur are abutting each other.

4.4 It appears that RC was misled by layout plan Ex.R-18, produced by the State. On its careful perusal, it is evident that it has not been correctly prepared. If we compare Ex.R-18 with the layout plan produced by the landowners, it becomes evident that Ex.R-18 does not depict the correct



location of sale instance Ex.R-14, which has been relied upon by the RC. Rectangle No.109 has been shown abutting Rectangle No.112, which is against the scheme of consolidation. During consolidation of holdings of the agricultural land in the village, the entire land is divided into rectangles consisting of 25 acres of land. The first rectangle, i.e. rectangle No.1 by established practice, starts from North-Eastern corner of the village and keeps increasing in seriatum towards South-East. Thereafter, the next row of the rectangle starts once we travel from South-East to South-West. The numbers keep increasing towards North-East. In a spiral shape, the numbers keep increasing. Rectangle numbers are never placed in odd manner. On one side of Rectangle No.112, there were be 111 and on other side it will be 113. For eg. on the South-East of Rectangle No.112 would be Rectangle No.111, whereas, on South-West there would be Rectangle No.113. Hence, the layout plan produced by the State Ex.R-18 is not correct.

4.5 It is also proved on the file that for establishing medical college, notification under Section 4 of the '1894 Act' was issued in the year 1980 to acquire land comprised in Rectangle Nos.90, 91, 92, 97, 98, 98, 99, 109, 110, 111, 119, 120 and 134. Rectangle No.109 and 120 are on NH-10. Some part of the land comprised in Rectangle No.121 was also acquired, whereas, remaining part is across the road. There is a mount of sand in a huge area covering approximately 5 rectangles that means 125 acres. On a careful perusal of sale deed Ex.R-14, it becomes evident that it is with respect to '*Barani*' land. In this area '*Barani*' denotes a parcel of land, that does not have irrigation facility either from canal or tubewell. The agriculture operations are dependent on Weather God. Moreover, it is evident that the



land comprised in Rectangle No.117, Khasra No.6 is part of the acquired land.

4.6 On a careful perusal of Ex.P-11, it becomes that Primary Health Centres, Government Stadium, Water Works, residential area of the village Agroha are located nearby. In fact, the acquired land abuts the already existing residential area of the village. The land comprised in Rectangle No.121 though located on National Highway is at a distance. It is opposite Medical college.

4.7 Hence, the RC was misled by Ex.R-18.

4.8 The acquired land is predominantly '*Chahi*'. The word '*chahi*' denotes the agricultural land, which has the facility of irrigation either from tubewell or canal. Perusal of sale instance Ex.P-2 proves that there existed irrigation facility. The irrigation was through canal because the land has been described as '*Nehri*' in the sale deed. Moreover, the sale instances Ex.R-4, R-5, R-6 R-7 and Ex.R-8 are with respect to parcels of land, which were already in possession of the purchasers for the last 50 years. Thus, these sale instances cannot be relied upon to assess the market value of the acquired land. Sale instance Ex.R-3 is with respect to land located in village Hamirpur comprised in Rectangle Nos.27 and 34. Similarly, sale exemplar Ex.R-9 is out of Rectangle No.179, which would be at distance from the acquired land. Sale instance Ex.R-10, R-11, R-12 & R-13 are also expected to be at a sufficient distance because these parcels of land have been sold out of Rectangle No.172, 176, 198, 200.

4.9 Hence, Ex.P-2 is the most appropriate sale exemplar because it is part of the acquired land. The land has been sold at the rate of



Rs.31,10,000/- per acre. No evidence has been led by the State to prove that sale deed was over prized or was not genuine.

4.10 There is a gap of 10 months for which there shall be increase by 10% because the property was located near residential area and surrounded by already established Medical College and Hospital. Hence, the amount works out to be Rs.34,21,000/- per acre.

4.11 In application for filing additional evidence, the landowners have sought permission to produce letter of allotment dated 04.01.2018, issued by HUDA in favour of Nuclear Power Corporation of India allotting 194.68 acres of land for residential colony, however, this cannot be relied upon because not only it is out of the developed land but also 10 years post the date of notification i.e. 15.01.2008. As per Part I of Section 23(1), the market value of the acquired land is required to be assessed as on the date of notification under Section 4 of the '1894 Act' i.e. 15.01.2008. Document No. (ii) and (iii) are index and final development plan for the year 2031. Sale deeds dated 26.02.2007 and 23.03.2007 are already exhibited as Ex.P-1 and Ex.P-2. Hence, these documents cannot again be permitted to be produced in additional evidence. The last document is location plan, which already is part of the record.

4.12 Moreover, the landowners are entitled to compensation while relying upon the comparable sale instance of contemporaneous period, reflecting highest price because the State in exercise of its power of eminent domain is statutorily taking away the land of the owners against their wishes.



5. **Decision:-**

5.1 With these observations, all the appeals filed by the landowners shall stand allowed. The market value of the acquired land is assessed at Rs.34,21,000/- per acre along with all statutory benefits.

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

19<sup>th</sup> March, 2025

Ayub

(ANIL KSHETARPAL)  
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

Sr. No.	Case No.	Appellant(s)	Respondent(s)
1	RFA-6848-2015	CHANDER KANTA AND ANOTHER	STATE OF HARYANA AND OTHERS
2	RFA-6501-2015	UMED SINGH & ORS	STATE OF HARYANA & ANR
3	RFA-6502-2015	AMAR BAI AND ORS	STATE OF HARYANA AND ANR
4	RFA-6503-2015	BHAWAR SINGH & ORS	STATE OF HARYANA & ANR
5	RFA-6504-2015	RAM SINGH AND ORS	STATE OF HARYANA AND ANR
6	RFA-6505-2015	BALBIR SINGH	STATE OF HARYANA AND ANR
7	RFA-6710-2015	RANDHIR SINGH	STATE OF HARYANA AND ORS
8	RFA-6711-2015	BALBIR SINGH	STATE OF HARYANA & ANR
9	RFA-6712-2015	DHAPA & ORS	STATE OF HARYANA & ANR
10	RFA-6713-2015	SHISH PAL & ORS	STATE OF HARYANA & ANR
11	RFA-6714-2015	JAIPAL	HARYANA URBAN DEVELOPMENT AUTHORITY & ANR
12	RFA-6715-2015	INDRAWATI AND ANR	HARYANA URBAN DEVELOPMENT AUTHORITY AND ANR
13	RFA-6716-2015	BAKSHISH SINGH & ORS	STATE OF HARYANA & ANR
14	RFA-6717-2015	ALKA & ANR	HARYANA URBAN DEVELOPMENT AUTHORITY & ANR
15	RFA-6718-2015	JUGAL DASS & ORS	STATE OF HARYANA & ANR
16	RFA-6844-2015	AMAR BAI AND ORS	STATE OF HARYANA AND ANR
17	RFA-6845-2015	RAM KUMAR (DECEASED) THROUGH LRS AND ORS	STATE OF HARYANA AND ANR
18	RFA-6846-2015	PARTAP AND ORS	STATE OF HARYANA AND ANR



19	RFA-6847-2015	BHAGWAN DASS (DECEASED) THROUGH LRS AND ANR	STATE OF HARYANA AND ANR
20	RFA-6849-2015	SAMUNDER SINGH (DECEASED) THROUGH LRS AND ANR	STATE OF HARYANA AND ORS
21	RFA-6850-2015	RAM KUMAR AND ORS	STATE OF HARYANA AND ANR
22	RFA-6851-2015	BHUP SINGH	STATE OF HARYANA AND ORS
23	RFA-6852-2015	RAMJI LAL (DECEASED) THROUGH LRS AND ORS	STATE OF HARYANA AND ANR
24	RFA-6853-2015	PARVEEN KUMAR AND ORS	STATE OF HARYANA AND ANR
25	RFA-6854-2015	RAMJI LAL (DECEASED) THROUGH LRS AND ORS	STATE OF HARYANA AND ANR
26	RFA-6855-2015	BAKSHIS SINGH AND ORS	STATE OF HARYANA AND ORS
27	RFA-6856-2015	AJIT SINGH AND ORS	HARYANA URBAN DEVELOPMENT AUTHORITY & ANR
28	RFA-6857-2015	BALBIR SINGH	STATE OF HARYANA AND ORS
29	RFA-6858-2015	BAKSHIS SINGH AND ORS	STATE OF HARYANA AND ANR
30	RFA-6859-2015	BIRBAL AND ANR	STATE OF HARYANA AND ANR
31	RFA-6860-2015	SURJEET AND ORS	STATE OF HARYANA AND ANR
32	RFA-6861-2015	PARTAP AND ORS	STATE OF HARYANA AND ORS
33	RFA-714-2016	MAHARAJA AGRASAIN AGROHA CO-OPERATIVE	STATE OF HARYANA AND ORS

**19<sup>th</sup> March, 2025**

*Ayub*

**(ANIL KSHETARPAL)  
JUDGE**