



**RFA-2067-2018(O&M)
and other connected cases**

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

**RFA-2067-2018(O&M)
and other connected cases
Date of decision: 29.04.2025**

Om Prakash and others

..Appellants

Versus

State of Haryana and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kulbhushan Sharma, Advocate for the appellants
in RFA-2067-2018

Mr. Adarsh Jain, Advocate for the landowners

Mr. Kamal Sharma, Advocate for
Mr. Amit Arora, Advocate for landowners
in RFA-359-2019

Mr. Yogeshwar Kaushik, Advocate for respondents

Ms. Safia Gupta, AAG, Haryana

ANIL KSHETARPAL, J.

1. Brief facts of the case

1.1 With the consent of the learned counsel representing the parties, a batch of 8 connected Regular First Appeals (details whereof are at the foot of the judgment) shall stand disposed of by this common order.

1.2 This Court has been called upon to determine the market value of the acquired land in Village Budhena.

1.3 Relevant details of the acquisition are as under:-

Notification under Section 4 of the Land Acquisition Act, 1894	04.07.2011
Notification under Section 6 of the	02.07.2012



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Land Acquisition Act, 1894	
Villages	Bhatola, Budhena, Kheri Khurd and Kheri Kalan, Baselwa, Faridabad
District	Faridabad
Purpose	For development & utilization of land for Master Plan Road for Sectors 75 to 89, Faridabad under HUDA

Awards of the Land Acquisition Collector and Reference Court:-

20.05.2013	Land Acquisition Collector offered to pay at the rate of Rs.60,00,000/- per acre
13.10.2017	The Reference Court has awarded market value at the rate of Rs. 3400/- per sq. yards

1.4 The landowners claim that left out parcels of land were acquired vide notification dated 04.07.2011. It is submitted that originally the major acquisition for Sectors 81, 86 and 87 was made by issuing a notification dated 14.08.2008 under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as '1894 Act'). It is submitted that after the entire land has been planned for development of Sectors 81, 86 and 87, the left out parcels have been acquired. Hence, the landowners are entitled to the market value of the acquired land after calculating the amount of commercial rates. While filing the application, the landowners claim 5000/- per sq. yard, which was disputed by the State.

2. Evidence adduced:-

2.1 In oral evidence, the landowners examined the following witnesses:-

PW1	Mahender Singh, petitioner
PW2	Rajesh, Clerk, office of District Town Planner, Sector 12, Faridabad
PW3	Rajesh Kumar, ARC office of Sub Registrar, Faridabad
PW4	Sh.Manish Sehrawat, Draftsman
PW5	Manoj Kumar
PW6	Khem Chand, Registry Clerk, Office of Sub Registrar,



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	Faridabad
PW7	Om Parkash-petitioner
PW8	Parteek, Patwari
PW9	Vipin Vats, Patwari

2.2 On the other hand, State has examined Rambir, Patwari in oral evidence.

2.3 On the other hand, in the documentary evidence, the landowners produced the following sale instances:-

Sr.No.	Exhibit and sale deed no.	Dated	Revenue Estate	Area K-M	Sale consideration	Total sq. yards	Rate per sq. yard
1.	P-1/786	15.4.2010	Budhena	102-6	30,00,00,000/-	61861	Rs.4849/-
2.	P-2/679	18.4.2007	Kherikalan	5-0	1,80,00,000/-	3025	Rs.5950/-
3.	P-3/7103	13.8.2010	Budhena	35-12	7,56,50,000/-	21538	Rs.3512/-
4.	P-4/2960	18.05.2006	Budhena	5-4	1,10,50,000/-	3146	Rs.3512/-
5.	P-5/20787	24.12.2007	Baselwa	24-8	7,47,25,000/-	14762	Rs.5062/-
6.	P-6/2961	18.5.2006	Budhena	13-0	2,76,25,000/-	7865	Rs.3512/-
7.	P-7/681	18.4.2007	Riwajpur	4-0	1,02,00,000/-	2420	Rs.4214/-
8.	P-8/17768	28.12.2006	Baselwa	12-13	2,79,17,000/-	7653	Rs.3647/-
9.	P-9/17767	28.12.2006	Baselwa	78-18	20,98,43,000/-	47734	Rs.4396/-
10.	P-14/8889	17.8.2012	Budhena	14-6	3,00,00,000/-	8651	Rs.3467/-
11.	P-15/7104	13.8.2010	Budhena	5-15	1,22,18,750/-	3479	Rs.3512/-
12.	P-16/7103	13.8.2010	Budhena	35-12	7,56,50,000/-	21538	Rs.3512/-
13.	P-17/9575	18.7.2010	Budhena	4-14	99,34,375/-	2843	Rs.3494/-
14.	P-18/7643	12.8.2009	Budhena	3-8	72,25,000/-	1149	Rs.6288/-
15.	P-19/7098	13.8.2010	Budhena	7-19	1,68,93,750/-	4810	Rs.3312/-
16.	P-20/7648	12.8.2009	Budhena	3-8	72,25,000/-	2067	Rs.3495/-
17.	P-21/1044	20.4.2010	Budhena	6-5	1,72,81,250/-	3781	Rs.3512/-
18.	P-22/7100	13.8.2010	Budhena	18-19	4,28,68,750/-	11465	Rs.3739/-
19.	P-23/8521	15.9.2010	Budhena	6-0	1,38,12,500/-	3630	Rs.3805/-
20.	P-24/21718	19.3.2007	Budhena	8-11	1,54,86,875/-	5173	Rs.2995/-
21.	P-25/10203	20.10.2010	Budhena	9-3	2,85,46,875/-	5536	Rs.5156/-
22.	P-26/10204	20.10.2010	Budhena	62-12	13,69,37,500/-	37873	Rs.3615/-



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23.	P-27/7103	13.8.2010	Budhena	28-2	7,56,50,000/-	17000	Rs.4450/-
24.	P-28/11161	3.11.2014	Budhena	32-0	9,51,16,773/-	19360	Rs.4913/-
25.	P-29/16487	12.1.2012	Budhena	11-5	5,00,00,000/-	6806	Rs.7346/-

2.4 The State did not produce any sale deed.

3. Analysis and Discussion:-

3.1 Learned counsel representing the landowners have submitted that this Court should assess the market value of the acquired land while relying upon sale deeds Ex.P4, P6, P18 and P20. It is further submitted that with respect to the acquired land by same notification of adjoining village namely Basalwa, this High Court in **RFA-112-2019** titled as **State of Haryana and another vs. Ashok Kumar and others decided on 31.10.2023** assessed the market value at the rate of Rs.5633/- per sq. yard.

3.2 Per contra, the learned State counsel has submitted that the Reference Court has correctly assessed the market value at the rate of Rs.3400/- per sq. yards.

3.3 With the consent of the learned counsel representing the parties, a layout plan produced by the State marking the location of the acquired land and the sale deeds produced by the landowners has been taken on record. It is evident that two separate parcels of land falling in 45 metres wide sector road between Sectors 81 and 86 have been acquired. Parcel of land represented by sale deed 'Ex.P1' is located only 2 ½ acres from the acquired land. This sale deed was executed on 15.04.2010 whereas the notification under Section 4 was issued on 14.07.2011. Parcels of land represented by sale deeds Ex.P4 and P5 are at some distance from the acquired land. In fact, parcels of land represented by Ex.P4 and P6 are located in the internal



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road of Sector 86. Moreover, these two sale deeds are with respect to period 5 years prior to the date of notification under Section 4 of the 1894 Act. Comparatively the distance of parcel of land reflected by Ex.P1 is lesser than the parcels of land represented by sale deeds Ex.P4 and P6.

3.4 The parcels of land represented by sale deed Ex. P18 and P20 are located on internal road in Sector 85. Once a very recent sale instance of a significantly large plot in the shape of Ex.P1 is available, reliance upon Ex.P18 and P20 would not be appropriate.

3.5 State has not produced any evidence to prove that price in the sale deed Ex.P1 was artificially inflated. There is gap of period of one year and three months between 15.04.2010 and 04.07.2011. In **Ashok Kumar's case (supra)**, the High Court has granted 15% cumulative increase keeping in view the fact that the parcel of land was acquired in already planned sectors and there was increase in the price at a very fast pace. The acquired land is also located in Faridabad, which is a satellite town of New Delhi.

4. Decision:-

4.1 With these observations, the appeals filed by the landowners are allowed whereas that of the State are dismissed and the market value of the acquired land is revised to 5,785/- per sq. yard.

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

**(ANIL KSHETARPAL)
JUDGE**

29.04.2025

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Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No



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Sr. No.	Case No.	Appellant(s)	Respondent(s)
1.	RFA-2067-2018	OM PARKASH AND ORS	STATE OF HARYANA AND ANR
2.	RFA-4264-2018	VIJAY KUMAR OTHERS	STATE OF HARYANA AND ORS
3.	RFA-1830-2019	THE STATE OF HARYANA AND ANR	MAHENDER AND OTHERS
4.	RFA-2138-2019	STATE OF HARYANA AND ANOTHER	OM PARKASH AND OTHERS
5.	RFA-359-2019	MAHENDER AND ANOTHER	STATE OF HARYANA AND OTHERS
6.	RFA-2137-2019	STATE OF HARYANA AND ANOTHER	JAGRAM (SINCE DECEASED) THROUGH HIS LRS
7.	RFA-1829-2019	STATE OF HARYANA AND ANOTHER	VIJAY KUMAR AND OTHERS
8.	RFA-1095-2022	JAGRAM (SINCE DECEASED) THROUGH HIS LRS	STATE OF HARYANA AND ANOTHER

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(ANIL KSHETARPAL)
JUDGE