

2025:PHHC:115494



103 IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

RFA-670-2000(O&M)  
and other connected cases  
Decided on:-28.08.2025

State of Haryana and others ....Appellants..

vs.

Hazari and another ....Respondents.

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Abhinash Jain, DAG, Haryana.

None for the respondents-landowners.

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**HARKESH MANUJA J. (Oral)**

1. Vide this common judgment, the batch of total 16 connected Regular First Appeals are being decided as all have arisen out of the same award. The details of the connected cases are given on the foot of the judgment.

1.2 For convenience, the facts are being taken from **RFA-670-2000 (O&M)**.

2. By way of present appeal, challenge has been laid to an award dated 19.08.1999 passed by the learned Reference Court-cum-Additional District Judge(I), Bhiwani, whereby, reference petition(s) preferred at the instance of appellants-landowners having invoked Section 18 of the Land Acquisition Act, 1894 (**for brevity, "1894 Act"**), were partly allowed.

3. Brief facts of the case are that certain land owned by the appellants-landowners, situated in the revenue estate of Village Devsar, Tehsil Bhiwani, was acquired vide notifications dated 10.01.1993 and 06.01.1994, issued under Sections 4 & 6, respectively of the 1894 Act, for the public purpose, namely, construction of Dinod sub-minor. The total land under acquisition was 24.84 acres. The Land Acquisition Collector vide its award dated 05.01.1996 assessed the market value of the acquired land as follows:-

<b>Sr.No.</b>	<b>Kind of Land</b>	<b>Amount awarded per acre</b>
1	Nahri land	Rs.50,000/- per acre
2.	Chahi and Tal Land	Rs.40,000/- per acre
3.	Tibba land	Rs.18,000/- per acre
4.	Gair mumkin land	Rs.10,000/- per acre

4. Aggrieved of the award passed by the Land Acquisition Collector, appellants-landowners along with others invoked separate reference petition(s) under Section 18 of the 1894 Act, seeking enhancement of compensation. Upon consideration of the material available on record, the Reference Court vide its award dated 19.08.1999, enhanced the market value of the acquired land at the rate of Rs.85,000/- per acre for all types of land belonging to the landowners.

5. Feeling dissatisfied with the aforesaid award passed by the Reference Court, the appellants-State of Haryana have preferred the appeals, details whereof are mentioned in the foot of the judgment.

6. Impugning the aforesaid award dated 19.08.1999, learned counsel representing the appellants-State submits that the learned Reference Court went wrong while relying upon the sale deed dated 10.02.1994

(Ex.P1) produced on record by the respondents-landowners as the same was post notification under Section 4 and even, the locations of the sale deeds Ex.P-1 and Ex.P-2 were never proved on record by the respondents-landowners in comparison to the land under acquisition. He further submits that even the method adopted by the learned Reference Court for average of the sale instance was also incorrect.

6.1 Learned State counsel points out that the sale deeds Ex.R-2 to Ex.R-5, which were produced on record by the State of Haryana and were even depicted in the site plan Ex.R-1, reflected the true & correct market value of the land under acquisition and thus, the same were required to be taken into account. He also submits that as per Ex.R-2 to R-5, the maximum market value of the land under acquisition was around Rs.32,727.27 paise per acre and thus, the award passed by the Land Acquisition Collector called for no interference. Learned State counsel, thus, submits that the appeals filed at the instance of State of Haryana were required to be allowed as the market value assessed by the learned Reference Court at the rate of Rs.85,000/- per acre was without any basis. No other argument has been addressed.

7. No one has chosen to appear on behalf of the respondents-landowners despite the matter been adjourned for number of occasions awaiting their presence and as such appeals are being heard in their absence.

8. I have heard learned counsel for the State of Haryana and gone through the paper book as well as the records, I am unable to find substance in the submissions made on behalf of the appellants-State.

9. In the present case, the market value of the acquired land was assessed by the learned Reference Court by placing reliance upon sale

exemplars Ex.P1 dated 10.02.1994 and Ex.P-2 dated 06.08.1992 while arriving at a conclusion of Rs.85,000/- per acre by taking average sale price of the two sale exemplars.

9.1 The contention raised on behalf of the learned State counsel to the effect that the sale exemplar Ex.P-1 dated 10.02.1994 being post notification was not required to be taken into account has some merit, however, his contention that the sale deeds Ex.R-2 to R-5 should have been relied upon by the learned Reference Court as the maximum sale price per acre therein was around Rs.32,000/-, is devoid of merits. Importantly, the respondents-landowners have proved on record the sale instance dated 06.08.1992 (Ex.P-2), regarding 6 kanals of land, against which, the sale price per acre comes to Rs.1,20,000/-. Admittedly, the sale instance Ex.P-2 relates to the same revenue estate of village Devsar, Tehsil and District Bhiwani. No doubt the respondents-landowners did not prove on record the location of the land comprised of Ex.P-2 in comparison to the land under acquisition, however, considering the fact that the sale instance relates to the same revenue estate and pertains to relatively large chunk of land measuring 6 kanals, even after applying an appropriate cut of around 25%; though, it may not be essential in the present case as the acquisition was for the purpose of laying down of a sub-minor; the State was not to suffer loss on account of development costs; the price of the land under acquisition would come to around Rs.90,000/- per acre i.e. marginally above the market value assessed by the learned Reference Court, which is Rs.85,000/- per acre. Moreover, in the humble opinion of this Court, once a bonafide and genuine sale instance Ex.P-2 dated 06.08.1992 was available on record and otherwise also was fetching the highest price, neither the Reference Court was

required to rely upon sale instance Ex.P-1 dated 10.02.1994 being post notification and nor the sale instances Ex.R-2 to R-5 being of lesser value were required to be considered.

10. In view of the discssuion made herein above, even if the procedure adopted by the learned Reference Court for the purpose of assessment of market value was to be discarded; otherwise also from the evidence available on record, the assessment quantified as Rs.85,000/- per acre appears to be fair and just. In such circumstances, finding no merit, in the appeals, the same are hereby dismissed.

11. Copy of this judgment be supplied to respondents-landowners.

12. Pending application, if any, also stands disposed of.

28.08.2025

**(HARKESH MANUJA)**  
**JUDGE**

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Whether speaking/reasoned: Yes/No  
Whether reportable: Yes/ No

Sr. No.	Case No.	Title
1.	RFA-671-2000	STATE OF HARYANA & ORS V/S DHARAM SINGH
2.	RFA-672-2000	STATE OF HARYANA & ORS V/S PHOOLA & ORS
3.	RFA-673-2000	STATE OF HARYANA & ORS V/S KRISHAN & ANR
4.	RFA-674-2000	STATE OF HARYANA & ORS V/S HARPAL SINGH & ORS
5.	RFA-675-2000	STATE OF HARYANA & ORS V/S BHAGWANA & ORS
6.	RFA-676-2000	STATE OF HARYANA & ORS V/S RAM KISHAN
7.	RFA-677-2000	STATE OF HARYANA V/S SHER SINGH & ORS
8.	RFA-678-2000	STATE OF HARYANA & ORS V/S KANWARI DEVI & ORS
9.	RFA-679-2000	STATE OF HARYANA & ORS V/S RANBIR & ORS
10.	RFA-680-2000	STATE OF HARYANA & ORS V/S MUNSHI
11.	RFA-681-2000	STATE OF HARYANA & ORS V/S MUNSHI & ANR
12.	RFA-682-2000 (O&M)	STATE OF HARYANA & ORS V/S JIWANI & ORS.
13.	RFA-802-2000 (O&M)	STATE OF HARYANA & ORS V/S PREM DEVI
14.	RFA-505-2001 (O&M)	STATE OF HARYANA & ORS V/S ROOP WATI & ORS.
15.	RFA-506-2001 (O&M)	STATE OF HARYANA & ORS V/S RAM BAI AND ORS