



361 (Total 6 cases)

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

(1) **RFA No. 7146 of 2012 (O&M)**
Date of Decision: 29.07.2025

Rajender Singh and others ...Appellants

Versus

State of Haryana and others ...Respondents

(2) **RFA No. 7147 of 2012 (O&M)**

Nihal Singh and others ...Appellants

Versus

State of Haryana and others ...Respondents

(3) **RFA No. 7148 of 2012 (O&M)**

Hardwari ...Appellant

Versus

State of Haryana and others ...Respondents

(4) **RFA No. 3519 of 2017 (O&M)**

Sher Singh and others ...Appellants

Versus

State of Haryana and others ...Respondents

(5) **RFA No. 3520 of 2017 (O&M)**

Bhagwan Singh (since deceased) through
his LRs ...Appellants

Versus

State of Haryana and others ...Respondents

AND

(6)

RFA No. 3521 of 2017 (O&M)

Shree Chand

...Appellant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Nipun Vashist, Advocate
for the appellant(s) / landowner(s)
(in RFA Nos. 7146 to 7148 of 2012)

Mr. Anil Kumar Sharma, Advocate
for the appellant(s) / landowner(s)
(in RFA Nos. 3519 to 3517 of 2017)

Mr. Abhinash Jain, Deputy Advocate General, Haryana
for the respondents.

HARKESH MANUJA, J. (ORAL)

This order shall dispose off present six appeals bearing RFA Nos. 7146 to 7148 of 2012; and RFA Nos. 3519 to 3521 of 2017 as the same arise out of common acquisition / award.

[2] The appellants-landowners, by instituting the aforementioned appeals preferred under Section 54 of the Land Acquisition Act, **1894 (for short "1894 Act")**, are seeking modification of the award dated 30.11.2011 passed by learned Additional District Judge, Rewari (**hereinafter to be referred as "Reference Court"**) for enhancement of compensation amount.

FACTS

[3] Briefly, the facts are that in pursuance of Haryana Govt. Notification under Section 4 of the 1894 Act issued on 06.11.2006, followed by Notification dated 24.11.2006 under Section 6 thereof, the land

measuring 4.52 acres, including the land of appellants, situated in the revenue estates of Villages **Gokalgarh and Gindokhar**, Tehsil & District Rewari, was acquired. The public purpose for acquisition of the land was stated to be for construction of Kishangarh Minor from K.M. 0.0.0 to 1.800 off taking K.M. 1.100/R of Budhpur distributory. The Land Acquisition Collector, (**for short "LAC"**), vide Award No. 2, dated 16.03.2007, assessed the market value of acquired land @ Rs. 12,50,000/- per acre alongwith other statutory benefits.

[4] Dissatisfied with the aforesaid Award, landowners / interested persons filed references under Section 18 of the 1894 Act, which were decided vide award dated 30.11.2011 by Reference Court, whereby the market value of the acquired land was enhanced / assessed @ Rs.20,00,000/- per acre besides granting statutory benefits.

[5] Aggrieved thereof, the appellants preferred the present appeals seeking enhancement of compensation amount, which stood admitted vide orders dated 16.04.2018 & 27.02.2013 by this Court.

CONTENTIONS:

ON BEHALF OF APPELLANT(S)

[6] Learned counsel for the appellant(s), while relying upon a decision dated 19.02.2016 passed by this Court in a batch of 29 appeals (*out of which 21 appeals were filed by the State of Haryana while 08 appeals preferred by the landowners*), lead case of which was **RFA No. 7398 of 2011**, titled "**State of Haryana and others Versus Ghisa Ram**", submits that in relation to Notification under Section 4 of the 1894 Act issued on 04.04.2007 pertaining to the revenue estates of three villages situated near Rewari, namely, Aspur, Gokalgarh and Kaluwas, for acquisition of 8.859 acres of land, the market value was assessed at the uniform rate of Rs. 48,93,240/- per acre besides grant of other statutory benefits in favour of the landowners, and thus, similar compensation needs

to be awarded in favour of the present appellants. He also points out that against the decision dated 19.02.2016 passed in **Ghisa Ram's case (supra)**, even the **Special Leave to Appeal (C) No. 7143-7163 of 2017**, titled "**State of Haryana Versus Ghisa Ram etc.**", preferred at the instance of State of Haryana, was dismissed by the Hon'ble Apex Court vide order dated 05.04.2023 and thus, the said decision having attained finality needs to be relied upon for enhancement of market value in the present facts.

ON BEHALF OF STATE OF HARYANA

[7] On the other hand, learned counsel for the respondents-State of Haryana vehemently submits that the appellants-landowners cannot be permitted to travel beyond the evidence led by them before the Reference Court. While referring to the same, he submits that even as per the documentary evidence produced by the landowners in the shape of sale-deeds Ex. PW-8/3 to Ex. PW-8/6, the maximum market value of the land as on the date of notification under Section 4 of the 1894 Act was around Rs.23 lakhs per acre; that too when the sale exemplars were of small plots and thus, considering the aforesaid, the market value fixed by the Reference Court at the rate of Rs. 20 lakhs per acre was just and fair. The details of Ex. PW-8/3 to Ex. PW-8/6 being relevant are as under:-

Sr. No.	Sale Deed	Dated	Village	Area K-M	Sale Consideration (Rs.)	Rate per acre (Rs.)	Exhibit
1.	5592	19.11.2004	Gokalgarh	0-4	58,000/-	23,20,000/-	PW-8/3
2.	230	20.04.2005	Gokalgarh	0-4	58,000/-	23,20,000/-	PW-8/4
3.	5796	02.12.2004	Gokalgarh	0-10	1,40,500/-	22,48,000/-	PW-8/5
4.	4550	24.09.2004	Gokalgarh	0-4	54,000/-	21,60,000/-	PW-8/6

[7.1] Learned State Counsel further points out that no reliance could be placed upon the decision dated 19.02.2016 passed in **Ghisa Ram's case (supra)** as in the said case, market value was assessed in relation to the Notification under Section 4 of the 1894 Act dated

04.04.2007, whereas in the present case, the acquisition proceedings commenced vide Notification dated 06.11.2006 under Section 4 of the 1894 Act i.e. prior to the notification in **Ghisa Ram's case (supra)**.

No other argument has been raised on behalf of the appellants as well as respondents-State of Haryana.

DISCUSSION AND ANALYSIS

[8] I have heard learned counsel for the parties and gone through the paper-book.

[9] A perusal of the record shows that in the present case, the acquisition relates to Notification under Section 4 of the 1894 Act issued on 06.11.2006 for the public purpose for construction of Kishangarh Minor from K.M. 0.0.0 to 1.800 off taking K.M. 1.100/R of Budhpur distributory pertaining to the revenue estates of two villages, namely, **Gokalgarh and Gindokhar** in District Rewari.

[9.1] Appellants-landowners as well as the respondents led their evidence before the Reference Court in the shape of sale-deeds and from those produced by the landowners, it is apparent that the rate per acre for the revenue estate of Village Gokalgarh in 2004-2005 was around Rs. 21 to 23 lakhs per acre, however, considering the fact that the provisions for grant of compensation in favour of landowners against compulsorily acquired under the 1894 Act, are beneficial in nature stemming from Article 300-A of the Constitution of India, 1950, the decision dated 19.02.2016 passed in **Ghisa Ram's case (supra)**, whereby the market value for the same revenue estate i.e. Village Gokalgarh was assessed by this Court at the uniform rate of Rs. 48,93,240/- per acre and the same was even upheld by the Hon'ble Apex Court, needs to be relied upon for the purposes of achieving the ultimate target of grant of fair compensation. As such, the arguments raised on behalf of the respondent-State of Hayana that as per the sale deeds produced by the appellants-landowners themselves as Ex.

PW-8/3 to Ex. PW-8/6, the market value in the present case would come to around Rs. 21 lakhs to Rs. 23 lakhs, especially under the circumstances when no evidence has been led by the respondents to establish any kind of potential and locational difference in the parcels of land pertaining to the same revenue estate of Village Gokalgarh though acquired under two different notifications, needs to be rejected.

[10] As such in the given facts and circumstances, in the humble opinion of this Court, no substance can be found in the submissions made on behalf of the respondent-State of Haryana so as to ignore the decision dated 19.02.2016 passed in case of **Ghisa Ram (supra)** merely for the reason that the same relates to subsequent Notification dated 04.04.2007 under Section 4 of the 1894 Act in comparison to the acquisition carried out in the present case in terms of Notification dated 06.11.2006 under Section 4 of the 1894 Act, especially for the reason that the decision passed in **Ghisa Ram's case (supra)** also relates to the same revenue estate i.e. Village Gokalgarh and substantially the purpose of acquisition was also for construction of a minor / distributory. However, in order to balance the equities and by applying the principle of de-escalation, some suitable cut needs to be applied on the amount of market value of Rs. 48,93,240/- per acre which was awarded in case of **Ghisa Ram (supra)** in relation to Notification dated 04.04.2007 of Village Gokalgarh, while awarding compensation in the case in hand relating to Notification dated 06.11.2006 issued under Section 4 of the Act pertaining to the same revenue estate.

[11] Hon'ble the Supreme Court in case of **Ram Kishan (since deceased) through his LRs etc. Versus State of Haryana & Ors.**, reported as **2025 INSC 441**, has been pleased to discuss and deliberate upon the principle of de-escalation and escalation for re-determination of the market value of the acquired land. Relevant para-25 thereof is extracted hereunder:-

RELEVANT LEGAL PRINCIPLES

(i) PRINCIPLE OF DE-ESCALATION AND ESCALATION

25. In *Peerappa Hanmantha Harijan (Dead) by Legal Representatives and Others vs. State of Karnataka and Another*, (2015) 10 SCC 469, finding that lands which were acquired by a later notification in 1988 were adjacent to the lands acquired in the case in question in 1981, this Court applied the principle of de-escalation. The relevant parts of the judgment are set out hereunder:

77. Further, the land which has been covered under notification in 1988 is also adjacent to the residential sites which were formed. The landowners in that case produced the sale deeds of the years 1986 and 1988 respectively, which was 2 years and 2 months earlier respectively to the notification issued in the year 1988 and some of which were two to three years earlier. Taking the said relevant facts into consideration, the High Court of Karnataka redetermined the compensation at Rs 7.5 per square feet of land bearing Survey No. 389 covered in award passed in MFA No. 3796 of 2005 and Cross-Objection No. 213 of 2005 after giving deduction towards the developmental charges, de-escalation and conversion charges. The same method should be applied in the case on hand.

78. Further, the High Court ought to have taken into consideration the relevant fact that though the final notification for the land covered in MFA No. 3796 of 2005 and Cross-Objection No. 213 of 2005 was in the year 1988, it was for industrial development and the said land was also leased in favour of the allottee Company by KIADB to be used for the industrial development. The land along with the other lands covered in the 1981 notification was also acquired by the State Government for the purpose of the industrial development and allotted to the Company for the development of the industrial estate. Therefore, apart from the fact that there was a gap of 7 years in which the lands of the appellants were notified for acquisition to the land covered in MFA No. 3796 of 2005 and Cross-Objection No. 213 of 2005, it is an admitted fact that there is similarity in the nature

of the land and the purpose for which they were acquired.

80. As per the survey conducted by the State Government, it is an undisputed fact that mineral is available in the land and the Company is extracting the same to be used as raw material for the manufacture of cement in its factory. Therefore, though the land in the present case is a short distance away from the lands covered in MFA No. 3796 of 2005 and Cross-Objection No. 213 of 2005, both have been acquired for the purpose of industrial development and sought to be used for the same purpose by the Company. The land of the appellants herein along with other lands that was acquired vide notification in 1981 has been allotted in favour of the Company for the purpose of extracting the mineral of limestone which is the raw material used for the purpose of manufacturing the cement used for the commercial purpose. Therefore, the land of the appellants is acquired for the non-agricultural potentiality and the same is used for commercial purpose. Therefore, determining deductions towards de-escalation at 5% per year for 7 years and 10% towards waiting and other incidental charges would justify the redetermination of the market value of the land of the appellants.”

[12] Thus, considering the time gap between the two Notifications i.e. 06.11.2006 and 04.04.2007 which comes to around five months, by applying the law laid down by the Hon’ble the Supreme Court in case **Ram Kishan (supra)**, deduction / de-escalation @ 6% per year for five months, would justify the re-determination of the market value of the land of appellants. Therefore, the market value as on the date of notification under Section 4 of the Act in the present case would come to around **Rs.47,70,909/- per acre** as per the calculation below:-

		Amount (in Rs.)
Amount Assessed in Ghisa Ram’s case (supra)		48,93,240.00
Less: De-escalation charges	Rs.48,93,240 x 6/100 x 5/12	1,22,331.00
Final Compensation		47,70,909.00

DECISION

[13] In view of the discussion made hereinabove, by applying deduction towards de-escalation @ 6% per annum over the market value in ***Ghisa Ram's case (supra)***, the market value for the purpose of Notification dated 06.11.2006 relating to the acquired land situated at Village **Gokalgarh** is determined @ **Rs. 47,70,909/- per acre** and accordingly, the appellants are held entitled for the same. Rest of the benefits including statutory benefits remain undisturbed.

[14] With respect to the land under acquisition which pertains to the revenue estate of Village **Gindokhar (in RFA Nos. 3519 to 3521 of 2017)**, it may be relevant to note here that from the evidence available on record in the shape of deposition of *Anil Kumar son of Ramrang, Halqa Patwari, Village Gindokhar, Teshil & District Rewari*, who appeared as PW-7 it has been established on record that the revenue estate of Village Gindokhar is adjoining to the revenue estate of Village Gokalgarh. In such circumstances, it would be appropriate to award same market value to the landowners of Village Gindokhar as awarded in favour of the landowners of Village Gokalgarh. In support, reliance can be placed upon a decision dated **05.12.2001** passed in **Civil Appeal No. 4668 of 1998**, titled "***M/s. Delhi Colonizers Versus Union of India***" as well as the latest decision in case ***Ram Kishan (supra)***, wherein the Hon'ble Apex Court has been pleased to record that the sale deeds or awards relating to adjoining villages can be relied upon as relevant piece of evidence for the purpose of determination of market value. The fact that the two villages are abutting and adjoining further stands corroborated even from the public purpose itself which is for constructing the minor and the land has been acquired in straight-horizontal line and in continuity; the appellants-landowners of Village Gindokhar are also held entitled for the same compensation as awarded to the landowners of Village Gokalgarh.

[15] All the appeals stand **disposed off** accordingly.

[16] Pending miscellaneous application(s), if any, shall stand(s)
disposed off.

July 29, 2025

'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking / Reasoned :	Yes	No
Whether Reportable :	Yes	No