



In the High Court of Punjab and Haryana, at Chandigarh

**Regular First Appeal No. 3025 of 2014 (O&M)
And Other Connected Cases**

**Reserved On: 23.01.2025
Pronounced On: 27.03.2025**

Sultan and Others

... Appellant(s)

Versus

State of Haryana and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Ms. Anita Balyan, Advocate
for the Landowners (In RFA-3025-2014 to RFA-3037-2014,
RFA-5509-2014, RFA-3041-2014, RFA-3042-2014 and
RFA-104-2020).

Mr. Pritam Singh Saini, Additional Advocate General,
Haryana and Mr. Abhinash Jain, Deputy Advocate General,
Haryana.

Anil Kshetarpal, J.

1. Factual Matrix

1.1 This Court has been called upon to assess the market value of the land measuring 40 acres 5 marlas, located in village Mandhoti, Tehsil Bahadurgarh, District Jhajjar, which was acquired for construction and development of Express Highway in village Mandhoti.

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

S.No.	Date	Particulars
1.	11.07.2006	Notification under Sections 4 read with Clause (c) of 17(2) of the Land Acquisition Act, 1894 (hereinafter referred to as "the 1894 Act") was issued.
2.	28.09.2006	Declaration under Section 6 was published.

S.No.	Date	Particulars
3.	16.01.2007	Vide award No. 27, the Land Acquisition Collector (hereinafter referred to as "LAC") offered to pay @ ₹12,50,000/- per acre along with all the statutory benefits.
4.	01.06.2013	The Reference Court (hereinafter referred to as "RC") assessed the market value of the acquired land @ ₹15,50,896/- per acre while relying upon the policy instructions issued by the State.

1.3 The landowners claim that the acquired land is located in the National Capital Region and can be used for commercial and industrial purpose. The Airport Authority of India has also earmarked the land for setting up the Airport in the vicinity of the land. Petroleum Plant, Parle Biscuit Factory, Somani Tile Factory, Hindustan Sanitarywares and M/s Surya Tubes Factory are already existing near the acquired land. Hence, the market value of the acquired land was not less than ₹15,00,000/- per acre.

1.4 The State of Haryana has claimed that the LAC has assessed a just, fair and reasonable market value.

2. Evidence Adduced

2.1 The landowners, in order to prove their case, have examined the following witnesses:-

Sr. No.	Witness Number	Name of the Witness
1.	PW.1	Rattan Singh
2.	PW.2	Om Singh
3.	PW.3	Ishwar Singh

2.2 Except the sale deeds, the landowners have produced the following documentary evidence:-

Sr. No.	Exhibit Number	Description of the document
1.	Ex.P1	Certified copy of Hawaii Patti Shahpur in Urdu Script.
2.	Ex.P1/A	Hindi Version of Ex.P1

Sr. No.	Exhibit Number	Description of the document
3.	Ex.P2	List of the adjoining Villages
4.	Mark A	Copy of Award dated 29.09.2009

2.3 The State of Haryana has examined RW.1 Bhagwan Singh Rana, Senior Manager, HSIDC, Bahadurgarh.

2.4 In the documentary evidence, the State has produced the following documentary evidence:-

Sr. No.	Exhibit Number	Description of the document
1.	Ex.R2	Attested copy of Award Dated 17.01.2012
2.	Ex.R3	Attested copy of Award Dated 06.02.2012
3.	Ex.R4	Attested copy of Award Dated 13.12.2011

2.5 The RC has prepared a tabulated compilation of the sale deeds, which is extracted as under:-

Sr. No.	Sale Deed No., Date and Exhibit	Village	Area	Consideration (In ₹)	Average Price Per Acre (In ₹)
1.	7913/ 01.03.2006 (Ex.P3)	Kassar	24K-13M	1,91,65,105/-	62,07,321/-
2.	7914/ 01.03.2006 (Ex.P4)	Kassar	04K-19M	38,33,022/-	61,94,783/-
3.	7839/ 24.02.2006 (Ex.P5)	Kassar	13K-09M	1,00,87,500/-	60,00,000/-
4.	7838/ 24.02.2006 (Ex.P6)	Kassar	13K-12M	1,02,00,000/-	60,00,000/-
5.	4364/ 24.09.2004 (Ex.P7)	Kassar	13 Biswas 1966.25 Square Yards	8,00,000/-	19,69,230.76
6.	747/ 03.05.2005 (Ex.R1)	Mandhoti	1 Bigha 1 Biswas	3,00,000/-	3,09,677.41

2.6 The RC has refused to rely upon the sale deed No. 4367 dated 24.09.2004 (Ex.P7) on the ground that this is the only sale deed of the village Mandhoti, whereas the remaining sale deeds pertain to the parcels of land located in village Kassar. Thus, while relying upon the policy decision

taken by the State by fixing the floor rate for the acquisition of the land for public purpose, the RC assessed the market value of the acquired land @ ₹15,50,896/- per acre.

3. Arguments Addressed

3.1 Heard the learned counsel representing the parties, at length and with their able assistance, perused the paper-book along with the requisitioned record.

3.2 The learned counsel representing the appellant(s) has produced a copy of the judgment passed by the High Court in *Mahavir and Others v. State of Haryana and Another (Regular First Appeal No. 564 of 2014 and Other Connected Cases, decided on 12.02.2016)* assessing the market value @ ₹42,62,625/- per acre with respect to the land acquired for the construction of Kundali-Manesar-Palwal Expressway vide notification under Section 4 of the 1894 Act published on 29.09.2005 acquiring the land of two villages, namely Asoudha Todran and Mandhoti. It has been disclosed that the Supreme Court, in *Jag Mahender and Another v. The State of Haryana and Others (Special Leave to Appeal (Civil) No. 16063 of 2016) and Others Connected Cases*, modified the judgment of the High Court and assessed the market value @ ₹32,62,500/- per acre. The appellants' counsel contends that the market value should be assessed on the basis of the judgment passed by the Supreme Court while granting appropriate increase for the gap of nearly ten months.

3.4 Per contra, the learned State counsel has submitted that the sale deed No. 747 dated 03.05.2005 (Ex.R1) proves that the market value of the land in village Mandhoti on 03.05.2005 was ₹3,09,677.41 per acre.

4. Discussion & Analysis

4.1 This Court has analyzed, evaluated and considered the arguments advanced by the learned counsel representing the parties.

4.2 In fact, both the parties have produced only two sale deeds, one each with respect to the sale of the parcels of the land located in village Mandhoti. The acquisition is for the development of the land for Kundali-Manesar-Palwal Highway. This notification has been issued after a gap of nine months from the previous notification.

4.4 The table reproduced by the RC is incorrect as there is only one sale deed No. 747 dated 03.05.2005 (Ex.R1)

4.5 The State of Haryana has also relied upon the assessment of the market value by the Court with respect to the acquisition of the land in village Majri, Jassaur Kheri and Lagarpur.

4.6 As already noted, the landowners' counsel has placed reliance on the market value assessed @ ₹32,62,500/- per acre as on 29.09.2005 by the Supreme Court in *Jag Mahender's case (supra)*. The assessment of the market value by the Court depends upon various factors including the nature of evidence. It cannot be assumed to be exact particularly when it is dependent upon the evidence produced by the parties. In *Manoj Kumar etc. v. State of Haryana and Others 2017 SCCOnline SC 1262*, the Supreme Court explained the aforesaid concept in the following manner:-

“14. In our opinion, the High Court could not have placed an outright reliance on the decision of Swaran Singh's case, without considering the nature of transaction relied upon in the said decision. The decision could not have been applied ipso

facto to the facts of the instant case. In such cases, where such judgments/awards are relied on as evidence, though they are relevant, but cannot be said to be binding with respect to the determination of the price, that has to depend on the evidence adduced in the case. However, in the instant case, it appears that the land in Swaran Singh's case was situated just across the road as observed by the High Court as such it is relevant evidence but not binding. As such it could have been taken into consideration due to the nearness of the area, but at the same time what was the nature of the transaction relied upon in the said case was also required to be looked into in an objective manner. Such decisions in other cases cannot be adopted without examining the basis for determining compensation whether sale transaction referred to therein can be relied upon or not and what was the distance, size and also bonafide nature of transaction before such judgments/awards are relied on for deciding the subsequent cases. It is not open to accepting determination in a mechanical manner without considering the merit. Such determination cannot be said to be binding. We have come across several decisions where the High Court is adopting the previous decisions as binding. The determination of compensation in each case depends upon the nature of land and what is the evidence adduced in each case, may be that better evidence has been adduced in later case regarding the actual value of property and subsequent sale deeds after the award and before preliminary notification under section 4 are also to be considered, if filed. It is not proper to ignore the evidence adduced in the case at hand. The compensation cannot be determined by blindly following the previous award/judgment. It has to be considered only a piece of evidence not beyond that. Court has to apply the judicial mind and is supposed not to follow the previous awards without due consideration of the facts and circumstances and evidence

adduced in the case in question. The current value reflected by comparable sale deeds is more reliable and binding for determination of compensation in such cases award/judgment relating to an acquisition made before 5 to 10 years cannot form the safe basis for determining compensation.”

4.7 The landowners have themselves relied upon the sale deed No. 4367 dated 24.09.2004 (Ex.P7) which is with respect to the land measuring 13 biswas sold for ₹8,00,000/- on 24.09.2004. The land measuring 13 biswas pukhta land was sold. Its area comes to 1966.25 square yards. It is sufficiently a bigger parcel of land. There is a gap of 22 months between notification under Section 4 and the date of sale deed. In this area, the acquisition has already been made for the construction of Kundali-Manesar Expressway on 29.09.2005, hence, the prices were likely to increase. Hence, the landowners are held entitled to 10% increase per year. Thus, the amount comes out to be ₹23,30,190/- (rounded off). This Court cannot overlook the sale deed No. 747 dated 03.05.2005 (Ex.R1). The sale deed which reflects that in the year 2005, the land was being sold @ ₹3,10,000/- per acre. This is also with regard to approximately 1 acre of land. In this area, 3025 square yards is an area of 1 bigha of land. Whereas the area of biswa is 151.25 square yards. Now this Court is required to consider all the three pieces of evidence. One is the judgment passed by the Supreme Court, whereas the other two are the sale deeds. The sale deed No. 747 dated 03.05.2005 (Ex.R1) cannot be relied upon because the State has not produced any layout plan showing the comparative location. On the other hand, the acquisition is for the construction of Kundali-Manesar Highway. It is likely to be near the lands already acquired. However, the landowners themselves have relied

upon the sale instance No. 4367 dated 24.09.2004 (Ex.P7). Hence, this Court relies upon the sale deed No. 4367 dated 24.09.2004 (Ex.P7) and assesses the market value of the acquired land @ ₹23,30,190/- per acre. The landowners shall also be entitled to all the statutory benefits as per the amended 1894 Act.

5. Decision

5.1 Consequently, all the appeals filed by the landlords are allowed and the landowners are held entitled to the market value of the acquired land @ ₹23,30,190/- per acre along with all the statutory benefits as per the amended Land Acquisition Act, 1894.

5.2 The miscellaneous application(s) pending, if any, in all the appeals, shall stand disposed of.

**(Anil Kshetarpal)
Judge**

March 27, 2025
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

Sr. No.	Case No.	Party's Name
1.	RFA-3026-2014	Sumer Singh And Others Vs. State Of Haryana And Others
2.	RFA-3027-2014	Ram Dai And Others Vs. State Of Haryana And Others
3.	RFA-3028-2014	Iqbal And Ors. Vs. State Of Haryana And Others
4.	RFA-3029-2014	Om Parkash And Others Vs. State Of Haryana And Others
5.	RFA-3030-2014	Mahinder Singh And Others Vs. State Of Haryana And Others
6.	RFA-3031-2014	Sukhbir And Others Vs. State Of Haryana And Others
7.	RFA-3032-2014	Savitri And Others Vs. State Of Haryana And Others
8.	RFA-3033-2014	Randhir Singh And Ors. Vs. State Of Haryana And Others
9.	RFA-3034-2014	Badlu And Others Vs. State Of Haryana And Others
10.	RFA-3035-2014	Rameshwar And Others Vs. State Of Haryana And Others
11.	RFA-3036-2014	Mahabir Singh And Others Vs. State Of Haryana And Others

**Regular First Appeal No. 3025 of 2014 (O&M)
And Other Connected Cases**

9

Sr. No.	Case No.	Party's Name
12.	RFA-3037-2014	Jage Ram And Others Vs. State Of Haryana And Others
13.	RFA-3041-2014	Phul Singh And Others Vs. State Of Haryana And Others
14.	RFA-3042-2014	Phul Singh And Others Vs. State Of Haryana And Others
15.	RFA-3652-2014	Hushiare And Others Vs. State Of Haryana And Others
16.	RFA-5509-2014	Hushiar And Others Vs. State Of Haryana And Others
17.	RFA-104-2020	Attar Singh And Others Vs. State Of Haryana And Others

**(Anil Kshetarpal)
Judge**

**March 27, 2025
"DK"**