



123 (25 cases)

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

RFA No. 4089 of 2016 (O&M) and  
"24" connected cases  
Date of Decision: 25.09.2025

Hoshiar Singh (now deceased) through legal heirs

...Appellants

**Versus**

State of Haryana and others

...Respondents

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

Present: Mr. Vikram Singh, Advocate,  
Mr. Navneet Singh, Advocate,  
Mr. Ishnoor Singh, Advocate  
Mr. Yuvraj Singh, Advocate,  
Mr. Mohit Rathee, Advocate, and  
Mr. Robin Singh Hooda, Advocate  
for the appellant(s) / landowner(s).

Mr. Abhinash Jain, Deputy Advocate General, Haryana  
for the respondent(s)-State of Haryana.

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**HARKESH MANUJA, J. (ORAL)**

This order shall dispose off the present twenty-five (25) appeals bearing RFA Nos. 4089, 4088, 4194, 4195, 4378, 3915, 3916, 3917, 3918, 3920, 3921, 3922, 3923, 3924, 3925, 3926 & 4796, of 2016; 4889, 4890, 157, 2389, 2670 & 2671 of 2017; 6288 of 2018; and 9 of 2019, as the same arise out of common acquisition / award. In all the appeals, the appellants-landowners are seeking further enhancement of compensation for the acquired land.

**[2]** In present appeals, challenge has been made to Award dated 16.07.2016 passed by the learned Additional District Judge, Sonipat (**hereinafter to be referred as "Reference Court"**), whereby the reference petition(s) filed by the appellant(s)-landowner(s) were

partly accepted, while assessing market value of the acquired land as Rs. 80 lakhs per acre alongwith other statutory benefits.

### **FACTS**

[3] Briefly, the facts are that in pursuance of Haryana Govt. Notification under Section 4 of the Land Acquisition Act, 1894 (**for brevity "1894 Act"**) issued on 22.02.2010, followed by Notification dated 17.02.2011 under Section 6 thereof, certain land of the appellants, situated within the revenue estate of Village Jat Joshi, Tehsil and District Sonipat, alongwith other land situated in the revenue estate of Village Rathdhana, Jat Joshi and Ahmadpur, Tehsil and District Sonipat was acquired. The total land acquired was measuring 104.05 acres. The acquisition was made for public purpose, namely, "construction of Sports Stadium in Sector-4, Sonipat". The Land Acquisition Collector, Sonipat (**for short "LAC"**) vide Award No. 09, dated 11.09.2012, assessed the market value of acquired land @ Rs.65,00,000/- per acre, besides awarded annuity benefit @ Rs. 21,000/- per acre per annum for a period of 33 years. The LAC also awarded solatium @ 30% under Section 23(2) of 1894 Act and additional amount @ 12% per annum from the date of notification under Section 4 of 1894 Act i.e. 22.02.2010 to the date of its award dated 11.09.2012 under Section 23 (1-A) of 1894 Act.

[4] Dissatisfied with the aforesaid Award, landowners / interested persons filed objections under Section 18 of the Act of 1894, which were decided vide award dated 16.07.2016 by the learned Reference Court, whereby market value of the acquired land was assessed / enhanced @ Rs. 80 lakhs per acre, besides grant of solatium @ 30% and additional amount @ 12% per annum on the

market value as assessed above. The appellants were also held entitled to interest in terms of Section 28 (i.e. 9% and 15% interest) of 1894 Act.

**CONTENTIONS:**

**ON BEHALF OF APPELLANTS-LANDOWNERS**

[5] Impugning the aforementioned award dated 16.07.2016, learned counsel(s) for the appellant(s) submits that the learned Reference Court went wrong having discarded the sale instances (Ex. P-9 & P-10) dated 25.10.2006, whereby land measuring 5 kanals 11 marla & 03 (three) marla were sold for a sum of Rs. 82,55,625/- & Rs.2,23,125/- respectively. Learned counsel(s) further submit that as per the aforementioned sale instances, the sale price per acre was Rs.1,19,00,000/-. Learned counsel(s) also point(s) out that the land forming part of the sale instances (Ex. P-9 & P-10) was comprised in Rect. No. 21 whereas the present acquisition relates to part of Rect. No. 22 alongwith the other land and thus, both the parcels were situated near each other. As such, learned counsel(s) emphasize(s) that the sale deeds Ex. P-9 & P-10 being the best available sale exemplars were required to be relied upon.

[5.1] Learned counsel further contend(s) that the sale instances (Ex. P-9 & P-10) were of 25.10.2006, whereas the notification under Section 4 of 1894 Act in the present case was issued on 22.02.2010 and as such, an appreciation @ 15% per annum at compound rate needs to be applied for ascertaining the market value of the present acquisition, as on the date of notification under Section 4 of 1894 Act for the difference of period between the two dates.

Learned counsel(s) also place(s) reliance upon decision dated **27.10.2022** passed by this Court in **RFA-395-2020**, titled "**Tara Chand (Deceased) through his legal representatives Versus State of Haryana and others**", whereby market value for the revenue estates of Villages Rathdhana, Rai and Asawarpur, in relation to the Notification dated 14.07.2010, issued under Section 4 of 1894 Act, was assessed @ Rs. 1,29,47,200/- per acre.

In the light of above contention(s), learned counsel(s) for the appellant(s) thus pray(s) for modification of the award passed by the learned Reference Court.

**ON BEHALF OF RESPONDENT(S)-STATE OF HARYANA**

[6] On the other hand, learned State Counsel submits that that the sale instances (Ex. P-9 & P-10) were rightly discarded by the learned Reference Court while recording that the same do not reflect the true market value of the area as all these transactions were entered between 2006 to 2008 by the developers and builders for commercial purposes. He also submits that even if those sale instances were to be relied upon, at least 50% development cut was required to be applied on the sale price per acre for the purpose of re-assessment of compensation. He also contends that the learned Reference Court went wrong having discarded the sale instance dated 18.01.2010 (Ex. R-7) against which the land measuring 1 kanal 6 marla of Village Ahmadpur was sold for Rs. 5,70,000/- and as per the same, the sale price per acre was Rs. 35,07,692/-. Learned State Counsel thus submits that the present appeal is liable to be dismissed.

## **DISCUSSION AND REASONING**

[7] After hearing learned counsel for the parties and having gone through the paper-book / records, I find substance in the submission(s) made on behalf of the appellant(s)-landowner(s).

[8] For the purpose of dealing with the issue of locational and potential advantage attached to the acquired land, part of cross-examination of Sh. Satbir Singh (RW-1), Kanungo, LAC Office, HUDA, Rohtak, is material. Relevant portion of the same is extracted hereunder (Page Nos. 891-893 of LCR):-

*" I have seen the acquired land personally. It falls in the revenue estate of vill. Rathdhana, Jat-Joshi and Ahamdpur. I have seen the Ex. P-8. It is correct that the boundaries of vill. Jat Joshi are adjacent to the boundaries of vill. Sultanpur, Rathdhana, Ahamdpur and Liwaspur. It is incorrect to suggest that acquired land situates near Bahalgarh/Delhi road. Self stated that ac-quired land situated 2 kilometer from Bahalgarh/Delhi road. It is wrong to suggest that Bahalgarh/Delhi road also known as Meerut Sonapat Jind - Asandh State highway no.11. It is correct that this road leads to G.T. Road, Delhi or U.P. from Sonapat. It is incorrect to suggest that the land on this roads is most valuable and costly for business and commercial purposes. It is incorrect to suggest that several industrial units are situated on both sides of this road and near the acquired land in Sector 28,29,30,31. It is incorrect to suggest that most of them are having the depth of 3/4 acres. It is alsowrong to suggest that Jasch industries, Jasch Textiles, Mahamaya Casting Pvt. Ltd, Land Mark Motors, Bharat Benz heavy vehicles, Engindia Rubbers Indus-tries, Vaksons Ceramics Pvt Ltd, Toyo Springs Pvt Ltd, Vimlesh Industries. Kalinga Plus Cables Pvt Ltd, Gold Plus Glasses India Industries, Bush Foods Pvt.Ltd, Satnam (Kohinoor) Foods Pvt.Ltd, Satnam (Kohinoor) Overseas Pvt. Ltd, National Business Pvt Ltd, Rubber Riclaim Pvt. Ltd, Senior Rubber Industries Pvt Ltd, M/s Search Pharma Pvt. Ltd, Haryana Carpet and Cherni-cal Pvt Ltd, M/s Inland Kattha Products Pvt. Ltd, Simpex Overseas Pvt. Ltd, Gold Plus Toughend Glass Pvt Ltd, Ganpati Feeds Mills, Master Feeds Mills, Roullands*

*Braking Pvt. Ltd, Golden Insuline Engeniring Ltd, ECE Industries, Pasco Steel Pvt. Ltd, Ganga-Jamuna Steel Pvt. Ltd, Shri Laxmi Cotsyn Pvt. Ltd, Osram Industries etc. are situated near the acquired land. It is incorrect to suggest that there are many others commercial units on this road or that banks, Dhabahs, Motor Workshops, Hospitals namely Frank Institute of Med-ical science and Superspeciality Hospital Pvt. Ltd. Tulip Hospital, Aneja Hos-pital, Dua Hospital, Narang Hospital, Gujriya Hospital, Civil Hospital etc. and Petrol pumps namely Batra Oil Company, Mohan Filling Station, Shiv-shanker Filling Station, Raj Filling Station and CNG Station etc. and Hotels namely Deewan Place Hotels and Amusement park Pvt. Ltd. Mahadev Hotel etc. and Automobile showrooms namely Jagmohan (Maruti Suzuki) motors, P.P. motors (Mahindra motors), Vijay Agro (Piaggio-Appe motors), Sodhi Auto (Suzuki Scooters and Bikes), Triumph Honda(Scooters and Bikes), TVS Sunshine Auto(Scooters and Bikes) Mohan Automobiles (Mahindra Scooters and Bikes) etc. and Marriage /Party/Banquet Hall namely Ronak Garden, Palki Marriage hall, The Legend etc. It is correct that many residential colonies and sectors abuts on this road namely Sidhath colony, Sikka colony, Hem nagar, sector 3,5,7,12,13,14. It is correct that the acquired land is adjacent to the abadi of Jat Joshi. It is wrong to suggest that acquired situated between Sonipat city and Bahalgarh town. It is correct that Bahalgarh town is situated in the revenue boundaries of vill. Liwaspur and Jat Joshi. It is incorrect rect to suggest that there is no vacant land available between city Sonepat and Bahalgarh except the acquired land. It is correct that the acquired land abuts on the connecting link road of vill. Rathdhana to Bahalgarh/ Delhi road. It is in-correct to suggest that that on this road there are many stocks of building ma-terial suppliers, office and parking for heavy vehicle like Crain, JCB, Truck loaders, Shops of property dealers, shops of seeds and fertilizers Dealers, Workshops of Agriculture equipments etc. It is incorrect to suggest that many seeds companies have taken the land near the acquired land for growing seeds. It is wrong to suggest that the acquired land was also used for commercial, industrial and residential purposes.*

*It is correct that Sonipat city is being developed as per its development plan. I have seen Ex. P-1. It is the development plan of Sonepat, notified in 2003 vide which the land between*

*Sonepat and Kundli has been divided in Sectors for development.....”*

In the light of the afore-mentioned deposition made by Satbir Singh (RW-1), besides the fact that the land under acquisition falls in Sector-4, HSVP, Sonepat, which is adjacent to and abutting Sectors-5, 6, 27, 28, 31, 32, 33 and Sectors-7, 26, 29, 30, 34, 35, the potential advantage attached to the acquired land has been very well established on record on account of its geographical location being surrounded by various sectors carved out by HSVP, Sonepat.

**[8.1]** As per records, for the purpose of re-assessment of market value, the following sale instances relied upon by the appellants-landowners need to be considered:-

Exhibits	Sale Deed No.	Date	Area	Amount (Rs.)	Name of Village	Price per acre (in Rs.)
P-9	4954	25.10.2006	5K-11M	82,55,625/-	Joshi Jatt	1,19,00,000/-
P-10	4955	25.10.2006	3 M	2,23,125/-	Joshi Jatt	1,19,00,000/
P-11	5473	10.11.2006	1 Acre	1,19,00,000/-	Ahmadpur	1,19,00,000/
P-12	5471	10.11.2006	2 Acre 2M	2,39,48,750/-	Ahmadpur	1,19,00,000/
P-13	3955	04.09.2006	2 Acre 3K	2,32,75,000/-	Rathdhana	1,15,29,411/-
P-14	5472	10.11.2006	3K-2M	46,11,250/-	Rathdhana	1,19,00,000/-
P-15	3956	04.09.2006	1 Acre 7K-19M	1,95,38,750/-	Rathdhana	98,00,000/-
P-16	3954	04.09.2006	2 Acre 4K-18M	2,56,02,500/-	Rathdhana	98,00,000/
P-17	4003	06.09.2006	5K-2M	62,47,500/-	Rathdhana	98,00,000/
P-18	3952	04.09.2006	2K-11M	31,23,750/-	Rathdhana	98,00,000/
P-19	970	30.04.2008	1K-15M	31,08,438/-	Rathdhana	1,42,10,002/-
P-80	3165	21.07.2006	5 Acre 1K	6,15,00,000/-	Rathdhana	1,20,00,000/-
P-81	5993	28.11.2006	2 Acre 5K-13M	2,84,15,625/-	Ahmadpur	1,05,00,000/-
P-82	337	10.04.2007	1 Acre 7K-2M	2,24,61,250/-	Rathdhana	1,13,00,000/-

**[8.2]** A perusal of the afore-mentioned sale deeds reflect that between July 2006 to April 2008, the price per acre of the land in the revenue estate of Villages Joshi Jatt, Ahmadpur and Rathdhana, was raising between around Rs. 1,19,00,000/- to Rs. 1,42,10,002/- per acre; which cannot be termed to be too disproportionate appreciation. Moreover, the learned Reference Court went wrong while discarding the above-mentioned sale instances merely for the reason that the same were ranging between 2006-2008 and were got executed by the developers and builders for commercial purposes. Rather on the other hand, the learned Reference Court was to take into account the factum of execution of numerous sale instances in the vicinity by the by the builders to hold conclusively that the land under acquisition and its surrounding was having potential advantage attached to it and accordingly, the sale instances produced by the appellants were required to be taken into account, especially when a positive finding has been recorded in para-22 by the learned Reference Court that the sale instances provided by the landowner(s) belong to the same revenue estate and some are abutting to the acquired land. The record further reflects that Rect. No. 22 from the revenue estate of Village Joshi Jatt forms part of the acquired land. Similarly, the sale instance (Ex. P-9) dated 25.10.2006 for land measuring 5 kanal 11 marla relates to land comprised in Rect. No. 21 Village Joshi Jat and thus abuts the acquired land, forming part of the same vicinity. The sale instance (Ex. P-9) pertains to measuring 5 kanal 11 marla of land as such needs to be relied upon as a sale exemplar there being no evidence led by the respondents so as to establish that the said sale deed was neither *bona fide* nor genuine documents. The chart re-

produced hereinabove reflects that as per sale instance (Ex. P-9), the sale prices of the land was Rs. 1,19,00,000/- per acre as on 25.10.2006.

**[8.3]** Further, considering the fact that the land under acquisition is surrounded by already developed area in the form of different sectors carved out by the HSVP Sonapat, an appreciation @ 12% per annum at compound rate needs to be applied on the sale price of Ex. P-9, i.e. Rs. 1,19,00,000/- per acre for a period of around 40 months, i.e. for the period between sale instance (Ex. P-9) i.e. 25.10.2006 till the date of issuance of notification under Section 4 of 1894 Act in the present case, i.e. 22.02.2010. The corresponding sale price as on 22.02.2010, therefore, comes to Rs. 1,73,87,389/- per acre.

**[8.4]** Being mindful of the fact that the land under acquisition is adjacent to and surrounded by various other sectors i.e. Sectors-5, 6, 27, 28, 31, 32 33 and Sectors-7, 26, 29, 30, 34, 35 of HSVP, Sonapat and the sale instance (Ex. P-9) is for a relatively bigger area measuring 5 kanals 11 marlas, it would be appropriate to apply development cut of 30% over the sale price per acre. Accordingly, the market value of the acquired land in the present case as on 22.02.2010 i.e. at the time of issuance of notification under Section 4 of 1894 Act, comes to **Rs. 1,21,71,172/- per acre** and the same is, therefore, granted in favour of the appellant(s)-landowner(s) besides other statutory benefits / interest as provided in the 1894 Act, as per the calculation below:-

Description	Amount per acre (in Rs.)
Market Value of the acquired land (as per exemplar sale deed dated 25.10.2006 (Ex. A-9) qua 5 kanal 11 marla land)	1,19,00,000.00
Add: Interest 12% per annum (Rs.1,19,00,000 x 12/100) (from 25.10.2006 to 24.10.2007)	14,28,000.00
	1,33,28,000.00
Add: Interest 12% per annum (Rs.1,33,28,000 x 12/100) (from 25.10.2007 to 24.10.2008)	15,99,360.00
	1,49,27,360.00
Add: Interest 12% per annum (Rs.1,49,27,360 x 12/100) (from 25.10.2008 to 24.10.2009)	17,91,283.00
	1,67,18,643.00
Add: Interest 12% per annum (Rs.1,67,18,643 x 12/100 x 4/12) (from 25.10.2009 to 22.02.2010)	6,68,746.00
Total	1,73,87,389.00
Less: 30% Development Cut (Rs.1,73,87,389 x 30/100 )	52,16,217.00
<b>Net Compensation</b>	<b>1,21,71,172.00</b>

The afore-mentioned determination even reconciles with the assessment made by this Court in its decision dated 27.10.2022 passed in case of **Tara Chand (deceased) through his legal representatives (supra)**, whereby market value for the same revenue estate of Village Rathdhana was assessed @ Rs. 1,29,47,200/- with respect to the notification dated 14.07.2010 issued under Section 4 of 1894 Act.

**[8.5]** So far as the plea raised by the learned counsel for respondent-State of Haryana that the learned Reference Court went wrong in discarding the sale instance (Ex. R-7) dated 18.01.2010; in the considered opinion of this Court, no merit can be found in this submission as no appeal has been preferred at the instance of respondents against the findings recorded by the learned Reference Court in this regard.

**DECISION**

[9] In the light of above, Award dated 16.07.2016 passed by the Reference Court is hereby modified. The appellant(s)-landowner(s) are held entitled to the market value as assessed above alongwith consequential / statutory benefits and interest as provided in the Act of 1894 (as amended up-to-date).

[10] Further, in case of unfortunate demise of any of the appellants/landowners, if the legal heirs/legal representatives have not been brought on record, they shall be entitled to file execution applications in their own names being legal heirs or legal representatives of the deceased-landowners; subject, of course, to any testamentary document created by the deceased.

[11] All the appeals are **disposed off** accordingly.

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

**September 25, 2025**

*'dk kamra'*

**( HARKESH MANUJA )  
JUDGE**

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