



**RFA-5258-2015(O&M)
and other connected cases**

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

**RFA-5258-2015(O&M)
and other connected cases
Reserved on : 11.02.2025
Date of decision: 11.03.2025**

Mohinder Singh and others ..Appellants
Versus

State of Haryana and others ..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Vijay Kumar Jindal, Senior Advocate
with Mr. Abhishek Shukla Advocate for the appellant(s)
Mr. Surya Pratap Singh, Advocate
Ms. Supriya Arora, Advocate for the landowners
in RFA-5257-2015

Mr Bhag Singh, Advocate for the landowners
in RFA-5257, 5259, 5262, 5261, 5265, 5264 and 2222 of 2014

Mr. Sanjay Jain, Advocate for the appellant in RFA-6420-2015

Mr. Arun Gosain, Senior Panel counsel for UOI

Mr. Pardeep Solath, Advocate
Mr. Sunny Deep Juneja, Advocate
for appellant in RFA-2220, 2221, 2219, 2223 of 2016
and for respondent no.1 in RFA-767, 771, 773 and 774 of 2016
for respondent no.1 to 8 in RFA-764-2016

ANIL KSHETARPAL, J.

1. Prelude:-

1.1 With the consent of the learned counsel representing the parties,
a batch of 33 connected appeals (details whereof are at the foot of the
judgment) shall stand disposed of by this common order.



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1.2 Assessment of the market value of the acquired land is the only issue involved in these cross appeals, which have been filed by the landowners as well as beneficiary of the acquisition namely Union of India.

1.3 The relevant and necessary particulars of the acquisition are as under:-

06.10.2008	Date of notification under Section 4 of the Land Acquisition Act, 1894 was issued proposing to acquire 66 acres 5 kanals 9 marlas land located in Village Panjokhra, District Ambala for BSF Battalian Head Quarter, AI Rule Battalian of Srinagar Frontier.
19.05.2009	Declaration under Section 6
27.10.2010	LAC vide award no.1 assessed the market value of the acquired land in the following manner Chahi 9 lakhs per acre Barani 8 lakhs per acre Bajar Kadim 6 lakhs per acre
28.04.2015	RC assessed the market value of the acquired land at the rate of 28 lakhs per acre

2. Brief facts:-

2.1 The landowners claim that the market value of the acquired land was not less than Rs.70 to 90 lakhs per acre as it was located on National Highway no.72 leading from Naraingarh to Ambala which had great potential for developing into residential as well as commercial property. It is located at a distance of 4 kms from the residential area of Baldev Nagar, Garnala, Mandhore, Jamitpur and Panjokhra. There are number of commercial establishments, factories, marriage palaces, schools, near the acquired land. State of Haryana has claimed that the amount assessed by the Land Acquisition Collector (hereinafter referred to as 'LAC') is in accordance with law.



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2.2 In order to prove their case, the landowners examined PW1 Dharam Pal and PW2 Surinder Mohan Mittal, Registered Architect. They also produced layout plan Ex.P1 and sale deed dated 16.06.2008 of 4 kanals land for total price consideration of Rs.35 lakhs. State of Haryana examined RW1 Manish Sehgal, Patwari and produced two sale deeds Ex.R1 (24.12.2007) and R2 (26.09.2007). The Reference Court (hereinafter referred to as 'RC') has relied upon sale instance Ex.P2 to assess the market value of the acquired land but ordered deduction of 60% from its price. The sale deeds Ex.R1 and R2 have been excluded from consideration on the ground that these are reflecting the price lower than the amount offered by the LAC.

3. Arguments addressed:-

3.1 Learned counsel representing the appellants submits that sale instance Ex.P2 is of the acquired land and half acre of the land has been sold. He submits that the RC has erred in deducting 60% from the aforesaid exemplar sale deed.

3.2 Per contra, learned counsel representing the UOI relies upon sale instance R1 and R2 to contend that the market value of the acquired land was nearly Rs.8 lakhs per acre.

4. Discussion & Analyses:-

4.1 At this stage, the relevant information of the exemplar sale deeds produced is compiled as under:-

S. No.	Exhibit	Sale Deed Number and Date	Sale Consideration / Per Acre Price	Area Sold (Sq. Yards)	Location and Type of Land
1.	P2	1185 / 16.06.2008	Rs. 35,00,000/- Rs. 70,00,000/-	2420 Sq. Yards	Village Panjakhhera / Chahi



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2.	R1	4201 / 24.12.2007	Rs. 10,85,000/- Rs. 8,00,000/-	6564.251 Sq. Yards	Village Mandor/ Chahi
3.	R2	2986 / 26.09.2007	Rs. 4,25,000/- Rs. 8,09,000/-	2541 Sq. Yards	Village Mandor/ Chahi

4.2 Ex.P1 is a layout plan of the area including acquired land. Sale deed Ex.P2 is with respect to a share out of the joint land comprised in Rect.no.95. Possession of land comprised in khasra no.4/1, 4/2 and 4/3 was handed over to the purchaser out of Rect. No.95. 4840 sq. yards is the total area of an ordinary acre which has 8 kanals consisting of 605 sq. yards. 20 marlas (30.25 sq. yard each) constitute 1 kanal. Thus, the sale instance Ex.P-2 is with respect to half acre of land. It has come on record from the layout plan that Father's International School is opposite the acquired land. Mind Tree School and Police station, Panjokhra are also not far off the acquired land. Various commercial establishments are also in vicinity of the acquired land. Location of khasra no.4/1, 4/2 and 4/3 is not exactly on the Highway but one and half acre away from the National Highway namely NH 72.

4.3 The sale deeds produced by the State of Haryana are with respect to parcels of land located at a sufficient distance from the National Highway whereas the acquired land is on the National Highway. Though the RC has committed error in excluding exemplar sale deed R1 and R2 by incorrectly interpreting Section 25 of 1894 Act in view of judgment passed by the Supreme Court in **Lal Chand vs. Union of India (2009) 15 SCC 769**, however, these sale instances are with respect to parcels of land located far away from the National Highway as well as the acquired land.



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Consequently, sale exemplar P-2 can be relied upon to assess the market value of the acquired land. It may be noted here that this sale deed was executed approximately 3 months before 06.10.2008 i.e., the date of notification under Section 4 of the 1894 Act. Hence, the sale instance is with respect to contemporaneous period. Moreover, State or the beneficiary has not led any evidence to prove that this sale instance is not genuine or there was effort to secure more compensation. There is no suggestion to the witness to this effect. However, Ex. P2 is a sale instance of only ½ acre of land, which is equivalent to 2440 sq. yards whereas acquired land is 6 more than 68 ½ acres, which is a sufficiently large chunk of land. Moreover, a share in the joint land has been purchased. The RC has erred in applying 60% cut.

5. Decision:-

5.1 Keeping in view the aforesaid facts, the overall position and location of the land, the appropriate cut would be 30%. The RC has not given any reason to allow deduction of 60% on Rs.70 lakhs per acre. Consequently, the market value of the acquired land is assessed at Rs.46,66,666/- which is rounded to Rs.46,67,000/-. The landowners shall be entitled to the market value alongwith all statutory benefits as per amended Land Acquisition Act, 1894.

5.2 With these observations, the appeals are disposed of.

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

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

**(ANIL KSHETARPAL)
JUDGE**



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S. No.	Case No.	Case Title
1	RFA-5258-2015	Mohinder Singh and others v/s State of Haryana and another
2	RFA-5257-2015	Jaswinder Singh v/s State of Haryana and another
3	RFA-5259-2015	Hari Ram Since Deceased Through His LRs v/s State of Haryana and others
4	RFA-5260-2015	Sohan Devi v/s State of Haryana
5	RFA-5261-2015	Balwant Singh v/s State of Haryana and another
6	RFA-5262-2015	Darbara Singh and others v/s State of Haryana and others
7	RFA-5263-2015	Jagat Ram through his LRs v/s State of Haryana and others
8	RFA-5264-2015	Nachattar Kaur and others v/s State of Haryana and others
9	RFA-5265-2015	Jagdev Singh and another v/s State of Haryana and others
10	RFA-5266-2015	Savitri Devi since deceased thr LRs v/s State of Haryana and another
11	RFA-6420-2015	Gurdev Singh and others v/s State of Haryana
12	RFA-812-2016	Union of India and others v/s Jaswinder Singh and another
13	RFA-813-2016	Union of India and others v/s Hari Ram and others
14	RFA-814-2016	Union of India and others v/s Darbara Singh and others
15	RFA-815-2016	Union of India and others v/s Mohinder Singh and others
16	RFA-859-2016	Union of India and others v/s Savitri Devi and others
17	RFA-2219-2017	Harjinder Singh v/s State of Haryana and others
18	RFA-2220-2017	Rajan Chanana v/s State of Haryana
19	RFA-2221-2017	Amar Singh since deceased through his LRs v/s State of Haryana and another
20	RFA-2222-2017	Harinder Singh v/s State of Haryana and another
21	RFA-2223-2017	Kamlesh Rani v/s State of Haryana and another
22	RFA-763-2016	Union of India v/s O.P. Mongia and another
23	RFA-764-2016	Union of India and others v/s Gurdev Singh and others
24	RFA-765-2016	Union of India and others v/s Nachattar Kaur and others



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25	RFA-766-2016	Union of India and others v/s Harinder Singh and another
26	RFA-767-2016	Union of India and others v/s Kamlesh Rani and another
27	RFA-768-2016	Union of India and others v/s Sohan Devi and another
28	RFA-769-2016	Union of India and others v/s Jagat Ram and another
29	RFA-770-2016	Union of India and others v/s Balwant Singh and others
30	RFA-771-2016	Union of India and others v/s Amar Singh and another
31	RFA-772-2016	Union of India and others v/s Jagdev Singh and others
32	RFA-773-2016	Union of India and others v/s Harjinder Singh and another
33	RFA-774-2016	Union of India and others v/s Rajan Chanana and another

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