



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RFA No.8145 of 2014 (O&M)
and other connected cases
Reserved On: 22.04.2025
Date of Order:01.05.2025

Murti Devi and others

.Appellants

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.P.Chahar, Advocate
for the landowners.

Mr. Sudhir Hooda, Advocate
for the appellants (in RFA-9813-2014, 664 and 665 of 2018)

Mr. Vikas Chatrath, Advocate
Mr. Sachit Katoch, Advocate
Ms. Preet Agora, Advocate
for the appellants (in RFA-748 of 2022)

Ms. Safia Gupta, AAG, Haryana.

ANIL KSHETARPAL, JUDGE (Oral)

1. INTRODUCTION AND BACKGROUND

1.1. With the consent of the learned counsel representing the parties, a batch of 20 connected Regular First Appeals, details whereof has been given at the foot of the judgment, shall stand disposed of by this common order.

1.2 This court has been called upon to assess the market value of the acquired land. The relevant and necessary details of the acquisition are as under:-

Sr.No.	Particulars	Relevant Date
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1.	Notification under Section 4 of the Land Acquisition Act, 1894 was published.	26.05.2008
2.	Declaration under Section 6 of the Land Acquisition Act, 1894 was published.	15.12.2008
3.	The Land Acquisition Collector awarded compensation of Rs.25,00,000/- per acre.	26.11.2009
2.	Location of land	Villages Bohar, Tehsil and District Rohtak.
3.	Purpose of acquisition	For public purpose for Sector 29, 31 and 32, dividing road, Rohtak.

1.3 In fact, RFA No.748 of 2022, involves different issue which shall be dealt with in the later part of the judgment.

1.4 On an application filed under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the 1894 Act'), the Land Acquisition Collector (hereinafter referred to as 'the LAC') referred cases to the Reference Court (hereinafter referred to as 'the RC'). The landowners claim that the acquired land is situated in between village Bohar and Asthal Bohar which is in close vicinity to National Highway No.10, Rohtak-Delhi Road on one side and Rohtak-Sonepat road on the other side. Various hotels, banquets halls, Tilyar Lake, Rohtak are situated adjacent to various educational institutions, namely, Shri Baba Mast Nath College of Engineering, Eye Hospital, Ayurvedic College, College of Pharmacy, College of Physiotherapy, Sri Baba Mast Nath residential Public School, Indus Public School, DGV Public School, DAV Centenary Public School, Rohtak and other educational institutions and residential colonies including Suncity Project and Omaxe Project and Sector-27, are also located nearby.



1.5 It is claimed that the market value of the acquired land was not less than rupees Five Crore per acre.

1.6 State claims that the LAC has offered just, fair, adequate and reasonable compensation and there is no further scope for enhancement. Further, the landowners are also entitled to annuity @ 15000/- per acre for next 33 years with Rs.500/- increase every year.

2. **EVIDENCES ADDUCED:-**

2.1 The landowners examined the following witnesses:-

PW1	Sat Dev
PW2	Satya Dev
PW3	Manoj Kumar
PW4	Jaidev

2.2 The following documentary evidence was produced by the landowners:-

Ex.P1	Copy of sale deed no.12987, dated 14.02.2006
Ex.P2	Copy of sale deed no.11230 dated 02.01.2006
Ex.P3	Copy of Sale deed no.10439 dated 19.12.2005
Ex.P4	Copy of sale deed no.12945 dated 10.02.2006
Ex.P5	Copy of sale deed no.12883 dated 10.02.2006
Ex.P6	Copy of sale deed no.11435 dated 09.01.2006
Ex.P7	Copy of sale deed do.12882 dated 10.02.2006
Ex.P8	Copy of sale deed no.8192 dated 26.10.2005
Ex.P9	Copy of sale deed no.13006 dated 14.02.2006
Ex.P10	Copy of sale deed no.11969 dated 20.01.2006
Ex.P11	Copy of sale deed no.2513 dated 16.06.2008
Ex.P12	Copy of sale deed no.8668 dated 03.01.2007
Ex.P13	Copy of sale deed no.2512 dated 16.06.2008
Ex.P14	Copy of sale deed no.2777 dated 22.06.2006
Ex.P15	Copy of sale deed no.2214 dated 08.06.2006
Ex.P16	Copy of Aks-sijra



Ex.PW4/A	Affidavit of Jaidev
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2.3 On the other hand, State examined RW1-Ram Niwas Kanungo and produced the following documentary evidence:-

Ex.RW1/A	Affidavit of Ram Niwas Kanungo
Ex.R1	Copy of notification u/s 4
Ex.R2	Copy of notification u/s 6
Ex.R3	Copy of collector rate
Ex.R4	Copy of award
Ex.R5	Copy of RR Policy
Ex.R6	Copy of sale deed no.10815 dated 22.02.2008
Ex.R7	Copy of sale deed no.9353 dated 11.01.2008
Ex.R8	Copy of sale deed no.9204 dated 07.01.2008
Ex.R9	Copy of sale deed no.3681 dated 04.07.2007
Ex.R10	Copy of sale deed no.1359 dated 07.05.2007
Ex.R11	Copy of sale deed no.1435 dated 08.05.2007
Ex.R12	Copy of sale deed no. 4702 dated 28.08.2006
Ex.R13	Copy of sale deed no.14922 dated 31.03.2006
Ex.R14	Copy of sale deed no.14827 dated 30.03.2006
Ex.R15	Copy of sale deed no. 1874 dated 28.05.2008
Ex.R16	Copy of sale deed no.12091 dated 28.03.2008
Ex.R17	Shija plan

2.4 A tabulated compilation of the sale deeds adduced by the landowners as well as the State is reproduced hereunder:-

Sr.No	Exh.	Date	Sale deed no.	Land Area	Total amount	Rate Per Acre
1	P-1	14.02.2006	12987	17K-13M	68,94,532/-	31,20,000/-
2	P-2	02.01.2006	11230	28K-8M	1,06,50,000/-	30,00,000/-
3	P-3	19.12.2005	10439	2K-2M	7,74,375/-	29,50,000/-



4	P-4	10.02.2006	12945	7K-12M	29,45,000/-	31,00,000/-
5	P-5	10.02.2006	12883	8K-0M	31,00,000/-	31,00,000/-
6	P-6	09.01.2006	11435	23K-12M	88,50,000/-	30,00,000/-
7	P-7	10.02.2006	12882	11K-16M	45,72,500/-	31,00,000/-
8	P-8	26.10.2005	8192	71K-4M	2,62,55,000/-	29,50,000/-
9	P-9	14.02.2006	13006	32K-0M	1,36,00,000/-	34,00,000/-
10	P-10	20.01.2006	11969	6K-8M	26,73,750/-	31,00,000/-
11	P-11	16.06.2008	2513	0K-13M	6,80,000/-	83,69,230/-
12	P-12	03.01.2007	8668	1K-0M	4,84,000/-	38,72,000/-
13	P-13	16.06.2008	2512	0K-11M	5,58,500/-	81,23,636/-
14	P-14	22.06.2006	2777	0K-6.11M	1,85,000/-	48,44,517/-
15	P-15	08.06.2006	2214	0K-8M	2,00,000/-	40,00,000/-

Sale deeds adduced by the State:-

1	R-6	22.02.2008	10815	2K-0M	4,50,000/-	18,00,000/-
2	R-7	11.01.2008	9353	1K-18M	4,27,500/-	18,00,000/-
3	R-8	07.01.2008	9204	1K-16M	4,05,000/-	18,00,000/-
4	R-9	04.07.2007	3681	2K-0M	4,50,000/-	18,00,000/-
5	R-10	07.05.2007	1359	1K-0M	2,25,000/-	18,00,000/-
6	R-11	08.05.2007	1435	3K-19M	8,89,000/-	18,00,506/-
7	R-12	28.08.2006	4702	1K-3M	58,000/-	4,03,478/-
8	R-13	31.03.2006	14922	2K-0M	12,500/-	5,00,000/-
9	R-14	30.03.2006	14827	4K-8M	2,50,000/-	4,54,545/-
10	R-15	28.05.2008	1874	1K-6M	2,62,000/-	16,12,307/-
11	R-16	23.03.2008	12091	1K-15M	3,72,000/-	17,00,571/-



2.5 The RC assessed the market value of the acquired land while relying upon the sale instances Ex.P11 and Ex.P13, which are executed post 26.05.2008, after taking average of the sale prices of Ex.P11 and Ex.P13. The RC worked out the base price @ Rs.82,46,433/-. Thereafter, applied 50% deduction for development of the area and 10% deduction for smaller size of area of the sale deeds. Thus, the market value was assessed @ Rs.32,98,573/-. The RC refused to take into consideration the sale instances Ex.R-6 to Ex.R16 while interpreting Section 25 of the 1894 Act. The RC held that the sale instances reflecting price lower than the prices offered by the LAC are required to be excluded from consideration.

3. **ARGUMENTS ADDRESSED BY THE LEARNED COUNSEL
REPRESENTING THE PARTIES**

3.1 This Bench has 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 landowners while relying upon the assessment of market value @ Rs.33,32,500/- per acre, as on 15.12.2006, with respect to acquisition of land for Sector-31, Rohtak, in RFA No.6193 of 2015 (**Sant Ram and another vs. State of Haryana and others**), decided on 17.02.2022, submits that the market value be assessed while granting escalation @ 10% per annum for a period of 528 days. It is submitted that Sector-31 is located near the acquired land. In the alternative, the learned counsel representing the appellants submits that as on 13.02.2008, while acquiring the land in the vicinity for Industrial Model



Township, Rohtak, this court has assessed the market value @ Rs.40,20,823/- per acre, vide judgment in RFA No.3000 of 2016 (***Jai Singh vs. State of Haryana and others***), decided on 15.11.2021.

3.3 Per contra, the learned counsel representing the State of Haryana while relying upon the judgment passed by the Supreme Court in ***Lal Chand vs. Union of India, (2009) 15 SCC 769***, submits that the sale deed produced by the State reflecting a price lower than the amount offered by the LAC could not be kept out of consideration. While referring to the layout plan, it is submitted that the sale deed Ex.R-10 is of the land which is abutting the acquired land and the sale instance Ex.R8 is with respect to a parcel of land which is located at the distance of one acre from the acquired land. While criticizing the reasons adopted by the LAC, it is contended that the market value of the acquired land is to be determined on 26.05.2008, hence sale deeds executed post 26.05.2008, could not be taken into consideration particularly when the sale deeds of contemporaneous period were available for assessing the market value of the acquired land.

4. **DISCUSSION AND ANALYSIS:-**

4.1 This court has considered the submissions and analyzed the arguments of the learned counsel representing the parties.

4.2 With the consent of the learned counsel representing the parties, the layout plan marking the location of the acquired land and the sale instances was taken on record. Perusal thereof proves that the acquired land is a narrow strip of land in L-shape. Rohtak-Delhi road is located at some distance. Similarly, Rohtak-Sonepat road is also located nearly four acres from the acquired land. As per Part-I of Section 23 of the 1894 Act, the



market value of the acquired land is required to be determined on the date of notification under Section 4 i.e. 26.05.2008. The assessment of the market value of the adjoining land by the court is dependent upon various factors including the quality of evidence produced before the Court. When compared with contemporaneous sale instance, the assessment made by a court should be preferred. The sale deed executed between two individuals during contemporaneous period to the acquisition is relevant piece of evidence to assess the market value. In *Sant Ram's case (supra)*, this court assessed the market value by assuming increase at the rate of 9% per annum for a period of 10 months. When compared with the sale instances, Ex.R10, Ex.R6, Ex.R13, Ex.R14 and Ex.R8, it becomes evident that the price of the land did not increase as expected. Although, the Government had acquired adjoining land for developing Sector-31, vide notification dated 15.12.2006. the parcels of land located nearby the acquired land were being sold at the rate between Rs.4,00,000/- to 18,00,000/- per acre. Sale deed Ex.R-10, dated 07.05.2007, is with respect to small plot of one kanal which is adjoining the acquired land. It has been sold @ Rs.18,00,000/- per acre. Similarly, the parcel of land sold through Ex.R-8, is comprised in Rect. No.179, Khasra No.20. It is located just one acre away from the acquired land. This sale instance is four months prior to the notification under Section 4 of the 1894 Act. A small plot of 1K and 16 Marlas has been sold for Rs.4,05,000/-, hence, the per acre price comes to Rs.18,00,000/-. The sale instances Ex.R6, Ex.R13 and Ex.R14 are also with respect to parcels of land located near the acquired land.



4.3 Reliance on sale instances relating to period post 26.05.2008, is fought with risk. After the notification under Section 4, a small parcel of land can be sold reflecting price, higher than the market value in order to secure higher compensation. The sale deeds Ex.P11 and Ex.P13, which have been relied upon by the court were executed approximately 20 days after the notification under Section 4 of the 1893 Act was published. Hence, the landowners knew that the adjoining land is proposed to be acquired. Moreover, Ex.P11 and Ex.P13 are with respect to very small parcel of land i.e. 13 marls and 11 marlas, respectively. 160 Marlas constitute one kanal which is equivalent to 4840 square yards. 8 Kanals, where 1 kanal is equivalent to 605 square yards constitute one acre and 20 marlas constitute one kanal. The Sale deed Ex.P11 is with respect to $30.25 \times 13 = 393.25$, whereas sale instance Ex.P13 is with respect to $30.25 \times 11 = 332.75$ square yards.

4.4 The acquired land was agricultural land. In fact, there is a pond situated abutting the acquired land.

4.5 Similarly, the assessment of market value as on 30.02.2008 in RFA No.3000 of 2016, is not appropriate particularly when its location *vis-a-vis* the acquired land has not been proved. Moreover, once the sale instances of contemporaneous period of adjoining land are available, the court is expected to desist from temptation of relying upon assessment of market value by the court which is dependent upon various factors.

4.6 The State of Haryana has not challenged the market value assessed by the Reference Court by filing appeals.



4.7 The RC has dismissed the reference under Section 28-A(3) of the 1894 Act on the ground that the application under Section 28A was filed beyond the period of limitation. Though, the appellants claim that they filed the application on 02.06.2014, while relying upon the award passed by the RC on 04.03.2014. However, perusal of register of LAC Ex.R1, shows that the application under Section 28A was filed on 01.12.2014 and it was entered at Sr.No.13049 on 01.12.2014. Appellant no.7-Sudhir son of Bani Singh filed an application, wherein he stated that he obtained certified copy of the judgment on 21.11.2014 and thereafter on 01.12.2014, the petition under Section 28A was filed. The appellant produced photocopy of the certified copy of the award which was obtained from the court on 21.11.2014, thus, they could not have filed application under Section 28A on 02.06.2014.

4.8 In view of the overwhelming evidence produced, the RC has not committed any mistake while dismissing the reference under Section 28A(3) of the 1894 Act. A larger bench of the Supreme Court in **Union of India and another vs. Pardeep Kumari and others, AIR 1995 Supreme Court 2259**, has held that neither the LAC nor the RC has power to condone the delay in filing the application under Section 28A of the 1894 Act. Though, it has been held that the landowners can rely upon any award passed by the RC, however, in this case, the only award passed by the RC was on 04.03.2014.

5. **DECISION:-**

5.1 Keeping in view the aforesaid facts and discussion, all the appeals are dismissed.



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

**(ANIL KSHETARPAL)
JUDGE**

01st May, 2025

nt

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

RFA No.8145 of 2014	Murti Devi and others vs. State of Haryana and others
RFA No.8154 of 2014	Shakuntla and others vs. State of Haryana and others
RFA No.1224 of 2016	Suresh and others vs. State of Haryana and others
RFA No.8156 of 2014	Suraj Bhan and others vs. State of Haryana and others
RFA No.293 of 2023	Vijender alia Bijender and another vs. State of Haryana and others
RFA No.665 of 2018	Vinod and others vs. State of Haryana and another
RFA No.664 of 2018	Sukhbir Singh and vs. State of Haryana and another
RFA No.9813 of 2014	Bhim Singh and another vs. State of Haryana and others
RFA No.8149 of 2014	Jawala @ Jawala Singh vs. State of Haryana and others
RFA No.8152 of 2014	Surender Singh and another vs. State of Haryana and others
RFA No.8146 of 2014	Nar Singh vs. State of Haryana and others
RFA No.8962 of 2014	Meer Singh and others vs. State of Haryana and others
RFA No.8148 of 2014	Sahab Singh and anothers vs. State of Haryana and others
RFA No.8153 of 2014	Jai Parkash and others vs. State of Haryana and others
RFA No.8150 of 2014	Sunil Kumar and another vs. State of Haryana and others
RFA No.8151 of 2014	Vijay Pal vs. State of Haryana and others
RFA No.8155 of 2014	Kitabo Devi and others vs. State of Haryana and others
RFA No.9032 of 2014	Jawala and others vs. State of Haryana and others
RFA No.8147 of 2014	Mahender Singh @ Ruliya and others vs. State of Haryana and others
RFA No.748 of 2022	Dharambir and others vs. State of Haryana and others

**(ANIL KSHETARPAL)
JUDGE**