



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

**RFA-4295-2019(O&M)
and other connected cases
Date of decision: 21.03.2025**

Haryana State Industrial Development Corporation (now HSIIDC)

..Appellant

Versus

Rameshwar and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashwani Kumar Chopra, Sr. Advocate with
Mr. Pritam Singh Saini, Advocate
Mr. Sanjay Saini, Advocate
Mr. Vidul Kapoor, Advocate for HSIIDC

Mr. Manish Soni, Advocate
Mr. Saurabh Yadav, Advocate for landowners

Mr. Nipun Vashisht, Advocate for the appellants
in RFA-4800 and 120 of 2019

ANIL KSHETARPAL, J. (Oral)

1. Brief facts of the case:-

1.1 With the consent of the learned counsel representing the parties, a batch of 18 connected cross appeals, 9 each filed by the State of Haryana and the landowners (details whereof are at the foot of the judgment) shall stand disposed of by this common order.

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



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13.05.2010	Notification under Section 4 of the Land Acquisition Act, 1894 was issued proposing to acquire land located in Villages Malpura, Kapriwas, Ghatal Mahiawas for the development of Industrial Sectors 15, 16, 17, Dharuhera.
10.05.2013	Land Acquisition Collector announced three awards assessing the market value of the acquired land at the rate of Rs.50,00,000/- per acre for land upto the depth of 2½ acres of National Highway no. 8 for all three villages. Rs.48,00,000/- per acre was assessed as market value of the land upto 2 ½ acres with respect to approach road. Rs.40,00,000/-per acre was offered by the Land Acquisition Collector with respect to the remaining land

1.3 The Reference Court (hereinafter referred to as 'RC') by separate awards assessed the market value of the acquired land at the rate of Rs.80,88,880/- per acre including the acquired land in village Ghatal Mahniawas. With respect to acquired land of villages Kapriwas and Malpura, the Supreme Court in SLP-4487-2022 (decided on 23.08.2023) has assessed the market value of the acquired land at the rate of Rs.1,49,14,795/- per acre. The landowners claim parity.

2. Evidence produced by the respective parties:-

2.1 Tabulated compilation of sale deeds produced by both the parties is as under:-

Sale deeds produced by the landowners

Sr. No.	Ex.No./ sale deed no.	Dated	Area	Amount	Village	Price per acre
1.	PW2/A 413	19.06.2008	86K 14M	11,27,10,000/-	Kapriwas	1,04,00,000/-
2.	PW2/B 418	19.06.2008	86K 13M	11,26,45,000/-	Kapriwas	1,04,00,000/-
3.	PW2/C 414	19.06.2008	86K 13M	11,26,45,000/-	Kapriwas	1,04,00,000/-
4.	PW2/D 829	08.09.2008	10K 0M	1,30,00,000/-	Kapriwas	1,04,00,000/-



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5.	PW2/E 1045	12.07.2006	40K 0M	4,95,00,000/-	Alawalpur	99,00,000/-
6.	PW2/F 1421	21.08.2006	37K 3M	3,95,00,000/-	Malpura	85,06,056/-
7.	PW2/G 2663	08.01.2007	92K 7M	16,16,12,500/-	Alawalpur	1,40,00,000/-
8.	PW2/H 604	05.06.2006	51K 7M	5,07,08,125/-	Alawalpur	79,00,000/-
9.	PW 603	23.07.2008	60K-1M	7,50,62,500/-	Kapriwas	10,000,000/-

Sale deeds produced by HSIIDC

Sr. No.	Ex.No./ sale deed no.	Dated	Area	Amount	Village	Price per acre
1.	64 R/1	17.04.2009	13K 3 M	26,30,000/-	Ghatal Mahniawas	16,00,000/-
2.	276 R/2	25.05.2010	2K 8M	5,31,500/-	Ghatal Mahniawas	17,71,667/-

3. Arguments addressed:-

3.1 Learned counsel representing the respondent submits that Ex.R2 is a sale deed of 2 kanals 8 marlas land located in Village Ghatal Mahniawas which has been sold for Rs.5,31,500/-. The per acre price comes to Rs.17,71,661/-. He submits that the RC has wrongly excluded the aforesaid sale deed from consideration by wrongly interpreting Section 25 of the Land Acquisition Act, 1894 (hereinafter referred to as '1894 Act').

4. Analysis and Discussion:-

4.1 This Court has considered the submissions made by the learned counsel representing the parties. The sale deed no.64 (Ex.R1) is with respect to 13 kanals 3 marlas land located in Village Ghatal Mahniawas. A perusal of the sale deed proves that land has been sold out of Rect. No.11, Killa no.1/1/1, 1/1/3, 2/1, 2/3, 3, 4, 8/1, 9/1/1, 9/1/3. A perusal of Ex.R6 proves that the land comprised in Rect. no.11 is at a distance from the National



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Highway. It is further towards East of the acquired land. A perusal of land sold through Ex.R2 is also located on a village road which is further away from the National Highway. In fact, the acquired land in all the three villages namely Kapriwas, Malpura and Ghata Mahniawas is located closer to the National Highway whereas the sale deeds Ex.R1 and R2 are with respect to the parcels of land located further away from the National Highway.

4.2 Undoubtedly, the sale deed Ex.R-2 has been wrongly excluded from consideration by interpreting Section 25 of the 1894 Act. This issue is no longer res integra in view of **Lal Chand vs. UOI (2009) 15 SCC 769**.

4.3 However, on careful perusal of Ex.R6, R8, the integrated aks shijra plan showing revenue estates of village Kapriwas, Garhi Alawalpur, Ghatal Mahniawas and Malpura, it becomes evident that the acquired land is located near National Highway no.8, which is the Delhi Jaipur National Highway. Ex.R2 is a sale instance of parcel of land located near abadi of village Ghatal Mahniawas. The abadi of the village is at a sufficient distance from the National Highway on the eastern side. It abuts the village road. It is far away from the acquired land. Hence, Ex.R2 i.e. sale deed no.276 is not found reliable for assessing the market value of the acquired land. Moreover, a compact block of the land was acquired for developing industrial sectors 15, 16 and 17 Dharuhera. As already noticed, the market value of the acquired land located in village Malpura and Kapriwas has been assessed at the rate of Rs.1,49,14,975/- per acre. In the impugned judgment, the RC has also found that the market value of the acquired land in all three



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villages abutting each other, is same. HSIIDC has not been able to produce any sale instances which can be compared with the acquired land.

4. Decision:-

4.1 Keeping in view the aforesaid facts, this Court is left with no other choice but to follow the assessment of the market value with respect to the acquired land by same notification located in the villages Malpura and Kapriwas. Therefore, the market value is assessed at Rs.1,49,14,975/- per acre, which shall be payable alongwith all the statutory benefits as per the amended Land Acquisition Act, 1894. Consequently, the appeals filed by the landowners are allowed whereas that of the HSIIDC are dismissed.

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

**(ANIL KSHETARPAL)
JUDGE**

21.03.2025

rekha

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No

Sr. No.	Case No.	Appellant(s)	Respondent(s)
1.	RFA-4295-2019	HARYANA STATE INDUSTRIAL DEVELOPMENT CORPORATION (NOW HSIIDC)	RAMESHWAR AND ORS
2.	RFA-4296-2019	HSIIDC (HARYANA STATE INDUSTRIAL DEVELOPMENT CORPORATION)	ASHARFI AND ORS
3.	RFA-4297-2019	HARYANA STATE INDUSTRIAL DEVELOPMENT CORPORATION (HSIIDC)	MANI RAM AND ORS
4.	RFA-4298-2019	HARYANA STATE INDUSTRIAL DEVELOPMENT CORPORATION	BHULE RAM AND ORS
5.	RFA-4299-2019	HARYANA STATE INDUSTRIAL DEVELOPMENT CORPORATION	MANGE RAM AND ORS
6.	RFA-4300-2019	HARYANA STATE INDUSTRIAL DEVELOPMENT CORPORATION	MANDIR SHRI SITA RAM THAKURJI MAHARAJ
7.	RFA-4301-2019	HARYANA STATE INDUSTRIAL	RANDHIR AND OTHERS



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		DEVELOPMENT CORPORATION	
8.	RFA-4302-2019	HARYANA STATE INDUSTRIAL DEVELOPMENT CORPORATION	MUNNA @ MUNNA RAM AND ORS
9.	RFA-4303-2019	HARYANA STATE INDUSTRIAL DEVELOPMENT CORPORATION	SHEO NARAIN AND OTHERS
10.	RFA-1415-2021	RAMESHWAR AND ANR	STATE OF HARYANA AND OTHERS
11.	RFA-1440-2021	BHULE RAM (SINCE DECEASED) THROUGH HIS LRS AND ANR	STATE OF HARYANA AND OTHERS
12.	RFA-1445-2021	MANI RAM (SINCE DECEASED) THROUGH HIS LEGAL LRS AND ORS	STATE OF HARYANA AND OTHERS
13.	RFA-2140-2021	SHEO NARAIN (SINCE DECEASED) THROUGH HIS LEGAL LRS AND ORS	STATE OF HARYANA AND OTHERS
14.	RFA-2145-2021	RANDHIR AND ORS	STATE OF HARYANA AND OTHERS
15.	RFA-2661-2021	MANGE RAM AND ANOTHER	STATE OF HARYANA AND OTHERS
16.	RFA-2663-2021	ASHARFI AND OTHERS	STATE OF HARYANA AND OTHERS
17.	RFA-2670-2021	MUNNA @ MUNNA RAM (SINCE DECEASED) THROUGH HIS LEGAL LRS AND ANR	STATE OF HARYANA AND OTHERS
18.	RFA-120-2022	MANDIR SHRI SITARAM THAKURJI MAHARAJ	STATE OF HARYANA AND ORS.

21.03.2025
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(ANIL KSHETARPAL)
JUDGE