



105 (05 cases)

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

**RFA No. 418 of 1996 (O&M) and
"04" connected cases
Date of Decision: 30.09.2025**

Rajinder Kumar Gupta through LR and others

...Appellants

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Avnish Mittal, Advocate with
Ms. Aparna Singhal, Advocate
for the appellant-landowner
(in RFA No. 593 of 1996)

Mr. J.S. Maanipur, Advocate with
Ms. Harpreet Kaur, Advocate
for the appellants-landowners
(in RFA Nos. 418 to 421 of 1996)

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

HARKESH MANUJA, J. (ORAL)

This order shall dispose of the present five (05) appeals bearing RFA Nos. 418, 419, 420, 421 & 593 of 1996, as they arise out of a common acquisition/award. In all these appeals, the appellants-landowners are seeking further enhancement of compensation for the acquired land.

2. In present appeals, a challenge has been made to the Award dated 29.11.1995 passed by the learned Additional District Judge, Yamuna Nagar at Jagadhri (**hereinafter referred to as "Reference Court"**). The Reference Court accepted the

reference petitions filed by the appellants-landowners and awarded compensation at the rate of Rs. 30,000/- per acre for Chahi land; Rs. 20,000/- per acre of Barani land; Rs. 10,000/- per acre for Banjar land; and Rs. 15,000/- per acre for Gairmumkin jungle land, along with other statutory benefits.

FACTS

3. Briefly, the facts are that in pursuance of Haryana Government Notification under Section 4 of the Land Acquisition Act, 1894 (**for brevity, "1894 Act"**), issued on 10.01.1991, and followed by Notification dated 20.12.1991, under Section 6 thereof, certain land belonging to the appellants, situated within the revenue estate of Village Ahmad Majra, was acquired. The total land acquired measured 207 Bighas 10 Biswas. The acquisition was made for public purposes, namely, "plantation of forest." The Land Acquisition Collector, Jagadhri (**for short, "LAC"**), in an award dated 23.11.1993, awarded Rs. 23,500/- per acre for Chahi land, Rs. 15,700/- per acre for Barani land, Rs. 7,800/- per acre for Banjar land, and Rs. 3,900/- per acre for Gairmumkin land.

4. Dissatisfied with the aforementioned award, landowners/ interested persons filed objections under Section 18 of the 1894 Act. These objections were decided vide award dated 29.11.1995, by the learned Reference Court. In this award, the market value of the acquired land was assessed and enhanced at the rate of Rs. 30,000/- per acre for Chahi land, Rs.

20,000/- per acre for Barani land, Rs. 10,000/- per acre for Banjar land, and Rs. 15,000/- per acre for Gairmumkin jungle land, along with other statutory benefits.

CONTENTIONS:

ON BEHALF OF APPELLANTS-LANDOWNERS

5. Impugning the aforementioned award dated 29.11.1995, learned counsel(s) for the appellant(s) submit that the LAC and the learned Reference Court erred in assessing the compensation based on the nature of the land. They argue that as per the khasra girdawari for November 1990-91 and March 1992 (the time of acquisition proceedings), the entire land under acquisition was recorded as Chahi, therefore, a uniform market value should have been awarded by treating the entire land as Chahi.

5.1. Due to absence of a sale instance for the revenue estate of Village Ahmad Majra, the learned counsel(s) for the appellant(s) rely upon two sale instances dated 29.04.1988 and 03.07.1990 pertaining to the abutting/adjacent revenue estates of Kot Basawa and Kot Mushtarka, respectively. These instances are presented to substantiate the claim for an enhancement in the market value of the acquired land. They argue that since there is no sale instance for the revenue estate of Village Ahmad Majra, the learned Reference Court should have relied on the sale instances (Ex. P-5 and P-6) pertaining to the abutting revenue estate.

5.2. Learned counsel(s) further point out that the compensation awarded for the tube-well and trees was also on the lower side, and they contend that the learned Reference Court committed an illegality in awarding less compensation towards the same.

In light of the above contention(s), learned counsel(s) for the appellant(s) pray 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 the sale instances (Ex. P-5 & P-6) which related to the abutting/adjacent revenue estates were rightly discarded by the learned Reference Court. He thus submits that the present appeal is liable to be dismissed as the evidence available on record calls for no further enhancement in favour of appellants.

DISCUSSION AND REASONING

7. After hearing learned counsel for the parties and going through the records, I find substance in the submissions made on behalf of the appellant(s) – landowner(s).

8. A perusal of the record, specifically the girdawari for the crop-Rabi of November 1990-91 and March 1992 (which has been proven as Ex. P-4), clearly shows that the entire land under acquisition is Chahi. No evidence to rebut this has been presented by the respondents on record. In such circumstances, the LAC as well as the learned Reference Court was required to

award uniform market value by treating the nature of the entire land under acquisition as Chahi.

9. Furthermore, the learned Reference Court erred in discarding the sale instances (Ex. P-5 & P-6) for the reason that they concerned to the land forming part of the revenue estate of Village Kot Basawa and Village Kot Mushtarka, whereas the acquisition in the present case was from the revenue estate of Village Ahmad Majra. The learned Court below failed to appreciate the fact that from the site plan (Ex. R-1), it was evident that the revenue estates of three villages—Ahmad Majra, Kot Basawa, and Kot Mushtarka—were abutting and adjoining. Moreover, both sale instances (Ex. P-5 & P-6) pertain to Chahi nature of land. In such circumstances, when the sale instances for the revenue estate of Village Ahmad Majra were not available either from the appellants-landowners or even from the respondents, the sale deeds (Ex. P-5 & P-6) relating to the adjoining/abutting revenue estate were required to be considered by the learned Reference Court for the purpose of assessing the market value especially when there was no evidence led by respondents to establish any difference about nature of land between these revenue estates. The details of sale deeds (Ex. P-5 & P-6) are reproduced hereunder:-

Exhibits	Sale Deed Dated	Area	Amount (Rs.)	Name of Village	Price per acre (in Rs.)
P-5	29.04.1988	4 kanal	26,000/-	Kot Basawa	52,000/-
P-6	03.07.1990	10 kanal 13 marla	91,000/-	Kot Mushtarka	65,000/-

10. Further, in view of the settled law, the highest *bona fide* and genuine sale exemplar needs to be considered for assessing the market value. In this case, the sale exemplar (Ex. P-6) dated 03.07.1990, for an area measuring 10 kanal 13 marla within the revenue estate of Village Kot Mushtarka, is the highest exemplar, therefore, it needs to be taken into account for re-assessment. As per Ex. P-6, 10 kanal 13 marla of land was sold for Rs.99,000/-, resulting in a market price of Rs.65,000/- per acre. The sale instance (Ex. P-6) is dated 03.07.1990, while the acquisition under the present case commenced on 10.01.1991. Consequently, a 6% appreciation is required in favour of the appellants-landowners due to the difference in time period between the sale instance (Ex. P-6) dated 03.07.1990 and the date of notification under Section 4 of the 1894 Act, i.e., 10.01.1991.

11. Considering the fact that the acquisition in this case relates to a large chunk of land measuring 207 bighas 10 biswas, while the sale instance (as per Ex. P-6) pertains to 10 kanal 13 marla of land, a 20% cut needs to be applied to the sale price (as per Ex. P-6). Though, as per law, the development cut ranges between 20% and 75%, the respondents in this case have acquired the land solely for plantation purposes. Consequently, they are not expected to incur any loss in terms of land or costs associated with providing infrastructural development and civil amenities such as parks, green belts, roads, and community

building etc. In light of this, this Court believes that a 20% cut should be applied to the sale price per acre derived from Ex. P-6.

12. Accordingly, based on the discussion above, the market value of the acquired land in this case as of 10.01.1991, i.e. at the time of issuing the notification under Section 4 of the 1894 Act, comes to the uniform rate of Rs. 55,120/- per acre (rounded off to Rs. 55,000/-), as per the calculation below:

Description	Amount per acre (in Rs.)
Market Value of the acquired land (as per exemplar sale deed dated 03.07.1990 (Ex. P-6) qua 10 kanal 13 marla land)	65,000.00
Add: Appreciation 6% for six months (w.e.f. 03.07.1990 till 10.1.1991) (Rs. 65000 x 6 /100 = Rs. 3900/-)	3,900.00
	68,900.00
Less: 20% Development Cut (68,900 x 20/100 = Rs. 13,780/-)	13,780.00
Net Compensation	55,120.00
Round off / Awarded Compensation	55,000.00

DECISION

13. In light of the above, the award dated 29.11.1995 passed by the learned Reference Court is hereby modified. The appellants (landowners) are entitled to the market value as assessed above, along with consequential and statutory benefits and interest as provided in the Act of 1894 (as amended up to date).

14. Further, in the event of the 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

the legal heirs or legal representatives of the deceased landowners. However, this shall be subject to any testamentary document created by the deceased.

15. All the appeals are **disposed off** accordingly.

16. Pending miscellaneous application(s), if any, shall also stand(s) disposed of.

September 30, 2025

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**(HARKESH MANUJA)
JUDGE**

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