

2025.PHHC.122883



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA-4607-2018

Date of Decision: September 09, 2025

SHRI CHAND SINCE DECEASED THROUGH HIS LRSAppellants
Versus
STATE OF HARYANA THROUGH COLLECTOR HISAR AND ORS.
.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. S.S. Patter, Advocate for the appellants.

Mr. Abhinash Jain, DAG, Haryana.

Mr. Pritam Singh Saini, Advocate with
Mr. Deepak Singh Saini, Advocate for respondent No.3.

HARKESH MANUJA, J. (ORAL)

A batch of 9 connected Regular First Appeals (details whereof are given on the foot of the judgment) shall stand disposed of by this common order, as they involve common question of law and facts.

For convenience, the facts are being taken from RFA-4607-2018.

By way of present appeal, challenge has been laid to the award dated 04.12.2017 passed by the learned Additional District Judge, Hisar, whereby the reference petitions filed under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as '1894 Act') by the appellants-petitioners seeking enhancement of compensation were dismissed.

2. Briefly stating, the land measuring 9.85 acres, situated within the revenue estate of Village Surewala, Tehsil and District Hisar was acquired for the purpose of construction of godowns for HAFED vide

notification dated 08.01.2002 and 01.04.2002 issued under Sections 4 and 6 respectively of 1894 Act. The Land Acquisition Collector passed Award No. 1 dated 31.03.2004 assessing the compensation at the rate of Rs.3,50,000/- per acre up to the depth of one acre from the main road and Rs.3,00,000/- per acre for the remaining land.

3. The appellants-petitioners, feeling dissatisfied with the award, sought reference under Section 18 of the 1894 Act before the learned Additional District Judge, Hisar, pleading that the market value of the acquired land was not less than Rs.500/- per square yard as the nearby land was already acquired for the purpose of Anaj Mandi, Uklana. Moreover, the land so acquired was situated on Hisar-Chandigarh Road and thus, was having a great potential value for residential, commercial and industrial use.

4. Upon notice, respondents filed a written statement wherein it was stated that the Land Acquisition Collector rightly awarded the compensation as the acquired land was purely agricultural in nature and the same was not situated on Hisar-Chandigarh road, thus, no potential value was attached to it.

5. On the basis of pleadings of the parties, the following issues were framed by learned trial Court on 07.01.2012:-

- “1. What was the market value of the acquired at the time of publication of notification under Section 4 of the Land Acquisition Act, 1894 and as to whether the petitioner/petitioners is/are entitled to compensation as prayed and to what extent? OPP
2. Whether the petition is barred by time? OPP
3. Relief.”

6. In order to prove their case, the petitioners examined witnesses viz. Mr. Dharambir Architect as PW-1, Vijay Singh-PW2, Chajju Ram as PW-3, Rajbir Poonia as PW-4, Roshan Lal-Patwari as PW5 and Ram Kala as PW-6. On the other hand, the respondents examined RW-1 Joginer Singh-Manager.

8. After considering the evidence, the learned Additional District Judge, Hisar, vide award dated 01.11.2014 partly accepted the petitions and fixed the market value of the acquired land @ Rs.5 lakhs per acre as on the date of issuance of notification under Section 4 of 1894 Act. Aggrieved of the award dated 01.11.2014, the respondents filed RFA-3261-2015 before this Court whereby, vide decision dated 14.09.2017, award dated 01.11.2014 was set aside and the matter was remitted to learned trial Court for reconsideration with one effective opportunity to each party to adduce their respective evidence. Consequently, the petitioners examined Bhup Singh-Patwari as PW1, Dharambir-Draftsman as PW8 and Satish Kumar as PW9. On the other hand, respondents examined Rameshwar Dass-Manager as RW-2 and tendered certain documents in evidence.

9. Vide order dated 04.12.2017, learned Additional District Judge, Hisar dismissed the petitions filed by the appellants, holding that the compensation awarded by the Collector was proper as the acquired land was situated at a distance of $\frac{1}{2}$ km away from National Highway and price per acre for sale deed (Ex.P-4) which was executed on 04.03.2003 i.e. after more than a year of issuance of notification under Section 4 qua the land under present acquisition, was Rs.3.2 lakhs. However, the trial Court did not consider Ex. P-5 as exemplar sale deed while holding that the same pertained to a small parcel of land which may

fetch a higher price as against the acquisition of a large stretch of land acquired for public purpose.

9. Aggrieved of the aforesaid award dated 04.12.2017, the present Regular First Appeal (RFA) was filed by the appellants-petitioners.

10. Impugning the aforementioned award, learned counsel for the appellants submits that the acquired land was admittedly situated exactly opposite to the New Anaj Mandi and the two parcels of land were bifurcated only by the Sirsa-Chandigarh Highway. He points out that the acquisition of land for the purposes of said New Anaj Mandi was carried out vide notification dated 12.06.1997 issued under Section 4 of the 1894 Act and the market value thereof was finally assessed @ Rs.13,69,805/- per acre by this Court in RFA-8271-2014 and other connected matters decided on 12.04.2016. Relevant portion of order dated 12.04.2016 is reproduced hereunder:-

“Considering the peculiar facts and circumstances of the cases noted above, coupled with the reasons aforementioned, this Court is of the considered view that appeals filed by the landowners deserve to be partly accepted and the same are hereby allowed to the extent indicated above. The landowners are held entitled to receive the compensation for their acquired land at the uniform rate of Rs.13,69,805/- per acre, from the date of notification under Section 4 of the Act. Besides this, the land owners shall also be entitled for all the statutory benefits available to them, under the relevant provisions of the Act.

Resultantly, with the observations made above, all these appeals stand disposed of, in the abovesaid terms, however, with no order as to costs.”

Learned counsel thus, submits that after applying an appropriate increase @12% per annum for the period of difference

between the two notifications i.e. 12.06.1997 to 08.01.2002, the market value could have been determined/assessed by the learned Reference Court. Learned counsel also points out that though, the learned Reference Court placed reliance upon the sale deed Ex.P-4 dated 04.03.2003 for an area measuring 5 kanals and 17 marlas, however, it failed to carry out the correct calculations. Learned counsel also points out that as per the sale deed of Ex.P-4, the price per acre was approximately Rs. 42 lakhs and as such, the compensation should have been assessed accordingly.

11. On the other hand, learned counsel appearing on behalf of respondents submits that once the sale deed Ex.P-5 dated 01.08.2000 qua 10 marlas of land situated within the revenue estate of Village Surewala was available on record, no reliance could be placed upon the judgment dated 12.04.2016 passed by this Court relating to notification dated 12.06.1997 regarding acquisition of land for the purpose of New Anaj Mandi. He thus, submits that the assessment of market value was required to be made in terms of the sale deed Ex. P-5 by applying an appropriate cut thereupon; the same relating to small parcel of land. In support, learned counsel for the respondents relies upon a decision passed by the Hon'ble Apex Court in case of "**Manoj Kumar Vs. State of Haryana**" reported as "**2018(2) RCR(Civil) 815**". Para 18 thereof is reproduced hereunder:-

"To base determination of compensation on a previous award/judgment, the evidence considered in the previous judgment/award and its acceptability on judicial parameters has to be necessarily gone into, otherwise/gross injustice may be caused to any of the parties. In case some gross mistake or illegality has been committed in previous award/judgment of not making deduction etc. and/or

sufficient evidence had not been adduced and better evidence is adduced in case at hand, previous award/judgment being not inter-parties cannot be followed as if land is not similar in nature in all aspects it has to be out-rightly rejected as done in the case of comparative exemplars. Sale deeds are at par for evidentiary value with such awards of the Court as Court bases its conclusions on such transaction only, to ultimately determine the value of the property.”

No other argument has been addressed by learned counsel for the respondents.

12. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the appellants.

13. In the present case, from the evidence available on record, as well as from the findings recorded by the learned Reference Court, it is more than evident that the land acquired vide notification dated 12.06.2007 for the purposes of setting up of New Anaj Mandi is situated exactly opposite to the land under present acquisition and both the parcels of land have been bifurcated merely by Sirsa-Chandigarh Highway. This fact is even evident from the site plan Ex. P-7 which has been proved on record by the appellants-landowner. The market value of the land acquired vide notification dated 12.06.1997 stands finally determined/assessed by this Court vide decision dated 12.04.2016 passed in RFA-8271-2014 to the extent of Rs13,69,805/- In the humble opinion of this Court, the decision relied upon by learned counsel appearing on behalf of respondent for not placing reliance upon the determination made in relation to the previous acquisition may not apply to facts and circumstances of the present case especially, in view of the fact that the previous acquired land and the present acquired land both

are located exactly opposite to each other and this fact has even been proved on record.

On the contrary, no evidence at all has been led before the learned Reference Court or even pointed out before this Court about any gross mistake or illegality committed in the previous award about not making of any deduction etc. Besides it, the sale deed Ex. P-5 though relates to the same revenue estate, however, it cannot be relied upon as the location of said sale exemplar, in comparison to the acquired land in the case in hand has not been established on record.

14. In view of the aforesaid, the decision dated 12.04.2016 passed in RFA-8271-2014 (Ex. PW7/8) relating to the land situated exactly opposite to the present acquired land being the most appropriate and *bona fide* in terms of geographical location, needs to be relied upon. Further, previous acquisition commenced vide notification dated 12.06.1997 issued under Section 4 of the 1894 Act whereas, the present acquisition was initiated in terms of Notification dated 08.01.2002, As such, taking into account the fact that in the year 1997, the land existing exactly opposite to the land under present acquisition stood acquired for the purposes of setting up of New Anaj Mandi thereby adding to the potential of the land under present acquisition; accordingly, escalation of 12% per annum needs to be awarded in favour of landowners over the price fixed for the land acquired in the year 1997.

15. Applying the aforesaid, the present appeals filed at the instance of landowners are allowed and the market value in terms of notification dated 08.01.2002 is assessed at Rs.21,09,500/- per acre.

16. Besides it, the landowners-appellants shall also be entitled for all the statutory benefits and interest, provided under the provisions of 1894 Act.

17. Wherever the landowner(s) has/have unfortunately expired in the appeal(s)/cross-objection(s) after filing thereof and the legal heirs have not been impleaded, they shall be at liberty to seek execution of the present decision by moving appropriate applications before the learned Executing Court.

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

09.09.2025

Tejwinder

**(HARKESH MANUJA)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>

RFA No.	Title
RFA-4664-2018	CHHAJU SINCE DECEASED THROUGH HIS LRS AND ORS V/S STATE OF HARYANA THROUGH COLLECTOR HISAR AND OTHERS
RFA-4666-2018	SAMPURAN AND OTHERS V/S STATE OF HARYANA THROUGH COLLECTOR HISAR AND ORS
RFA-4667-2018	RAJPATI V/S STATE OF HARYANA THROUGH COLLECTOR HISAR AND OTHERS
RFA-4669-2018	BIMLA V/S STATE OF HARYANA THROUGH COLLECTOR HISAR AND OTHERS
RFA-4671-2018	SUJAN SINGH AND OTHERS V/S STATE OF HARYANA THROUGH COLLECTOR HISAR AND OTHERS
RFA-4672-2018	VIJAY SINGH AND OTHERS V/S STATE OF HARYANA THROUGH COLLECTOR HISAR AND OTHERS
RFA-4673-2018	RAM KALA SINCE DECEASED THROUGH HIS LRS AND OTHERS V/S STATE OF HARYANA THROUGH COLLECTOR HISAR AND OTHERS
RFA-4670-2018	BHALLA NOW DECEASED THROUGH LRS AND OTHERS V/S STATE OF HARYANA THROUGH COLLECTOR HISAR AND OTHERS