



**RFA-2535-2014 (O&M)
and other connected cases**

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

**RFA-2535-2014 (O&M)
and other connected cases
Reserved on : 28.03.2025
Date of decision: 12.05.2025**

Gianwati and others

..Appellants

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Abhimanyu Singh, Advocate
for landowners in RFA-2159, 2341, 462 of 2015

Mr. Rakesh Dhiman, Advocate for the landowners
in RFA-474, 462, 2159 and 2341 of 2015

Mr. D.S.Matya, Advocate
for appellants no.10 to 17 in RFA-7689-2014
for appellants no.1 to 3, 5 to 21, 28 to 38 & 41 in
RFA-3093-2015 and
for appellants no.1, 3, 4, 6 to 10 in RFA-2341-2015

Ms. Indu Bala, Advocate for appellants
in RFA-4986 of 2014, 2535 of 2014

Mr. Aditya Jain, Advocate
Mr. Rahul Vohra, Advocate for appellants
in RFA-5008 of 2014

Mr Rajiv Sharma, Advocate for the landowners
in RFA-456, 457 and 459 of 2015 and for cross objectors
in XOBJR-154-157-2016

Mr. Tej Bahadur, Advocate for respondent no.1
in RFA-474-2015

Mr. Pritam Singh Saini, Advocate for respondents



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Mr. Abhinash Jain, DAG, Haryana.

ANIL KSHETARPAL, J.

I. Brief facts & Introduction:-

1. With the consent of the learned counsel representing the parties, a batch of 17 connected Regular First Appeals shall stand disposed of by this common order.
2. The singular issue involved in this batch of appeals is with respect to the market value of 239 kanals 3 marlas of land acquired in village Ghamroj, District Gurugram. The necessary and relevant details of the acquisition are as under:-

08.04.2008	Date of notification under Section 4 of the Land Acquisition Act, 1894
17.10.2008	Date of notification under Section 6 of the Land Acquisition Act, 1894
Area	239K 3M
Village	Ghamroj
District	Gurugram
Purpose	Construction of water treatment plant and underground tank for Sohna Town in Village Budhera, Tehsil Gurugram and Village Ghamroj, Tehsil Sohna, District Gurugram
16.07.2009	Land Acquisition Collector passed award no.7 awarding Rs.24,00,000/- per acre
12.12.2013	Reference Court assessed the market value at Rs.44,93,528/- per acre

3. On applications filed by the landowners, the matter was referred to the Court for assessing the market value of the acquired land. The landowners claim that the acquired land is situated at Gurgaon Sohna State Highway and closed to Millennium City of Gurugram i.e about 14 kms and only 24 kms away from Delhi border. The distance from Indira Gandhi International Airport, Delhi to the acquired land is 28 kms whereas IMT Manesar is located at a distance of 23 kms. Maruti Kunj Society is located at a distance of 2.5 kms from the acquired land where the rate of land is not



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less than Rs.25,000/- per sq. yards. World class Mall, Posh Residential Complexes, developed by reputed builders are located just 7 kms from the acquired land. Very famous Model School namely G.D. Goenka Public School, Pathways, Delhi Public School are located within a distance of 4-5 kms from the acquired land.

4. On the other hand, the State of Haryana has submitted that the reference petitions were not maintainable because the landowners accepted the amount of compensation without any protest and the acquired land was agricultural land without any further scope for development.

II. Evidences Adduced:-

5. The landowners examined the following witnesses:-

PW1	Ram Kishan Suchdeva
PW2	Suman
PW3	Deep Chand
PW4	Rajbir Singh
PW5	Balwinder Singh, Halqa Patwari
PW6	Ashok Kumar, Patwari Halqa
PW7	Abhey Singh, Lamberdar
PW8	Dilbagh Singh ,Asstt. Draftsman
PW9	Omsat Singh
PW10	Mukesh Kumar
PW11	Jagdish

6. The following documents were also produced:-

Ex.P1	Site Plan
Ex.P2 to Ex.P8	Certified copies of sale deeds
Ex.P9	Jamabandi
Ex.P10	Jamabandi
Ex.P11	Certified copy of award
Ex.P12 to Ex.P17	Certified copy of statement of witnesses
Ex.P18 to Ex.P63	Certified copy of sale deeds
Ex.P64	Gurgaon Manesar Urban Complex-2025



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	AD plan
Ex.P65 to Ex.P68	Certified copy of sale deeds

7. On the other hand, the State tendered copy of award Ex.R1, copies of proceedings of District Level Committee Ex.R2 and certified copy of award dated 01.05.2012 Ex.R3.

8. The Reference Court (hereinafter referred to as 'RC') relied upon sale deed Ex.P5 (25.02.2008) Ex.P6 (12.03.2008) Ex.P8 (17.01.2008), Ex.P39 (07.03.2008) of village Budhera, Ex.P65 (12.03.2008) and Ex.P68 (25.02.2008) of Village Ghamroj. Average of the price reflected in these six sale deeds was calculated at Rs.96,11,111/- per acre. Thereafter, the court proceeded to apply 50% cut on the base value, which comes to Rs.48,05,555.50 per acre. Subsequently, the court held that the award Ex.P1 passed by the RC with regard to acquisition of land in village Budhera vide notification dated 19.04.2008 cannot be relied upon. Thereafter, again the court calculated the average of the base value and the market value determined vide award Ex.P1 and proceeded to assess the market value of the acquired land at the rate of Rs.44,93,528/- per acre.

9. Tabulated compilation of the sale deeds produced by the landowners is extracted as under:-

Sr.No	Ex.	Vasika No.	Date	Land Area K M	Total sale consideration (Rupees)	Rate per acre (Rupees)	Revenue estate
1.	P2	1801	19.7.2007	28 11	2,26,82,000/-	83,66,872/-	Ghamroj
2.	P3	1803	19.7.2007	43 17	4,84,00,000/-	88,00,000/-	Ghamroj
3.	P4	3366	12.11.2007	36 17	1,85,00,000/-	40,00,000/-	Ghamroj
4.	P5	5174	25.2.2008	4 0	50,00,000/-	1,00,00,000/-	Ghamroj
5.	P6	5442	12.3.2008	2 12	40,00,000/-	1,28,00,000/-	Ghamroj
6.	P7	5279	30.3.2009	8 0	5,00,00,000/-	5,00,00,000/-	Ghamroj



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7.	P8	4486	17.01.2008	11 16	94,00,000/-	62,66,666/-	Ghamroj
8.	P18	24391	23.02.2007	134 0	30,31,75,000/-	1,81,00,000/-	Ghamroj
9.	P19	11507	30.08.2007	117 4	10,98,75,000/-	75,12,820/-	Kherki Majra Dhankot
10.	P20	22914	01.02.2007	39 0	7,55,62,500/-	1,55,00,000/-	Dhankot
11.	P21	1802	23.4.2007	24 5	6,36,56,250/-	2,12,18,750/-	Dhankot
12.	P22	25013	01.03.2007	21 17	5,24,40,000/-	1,90,69,088/-	Dhankot
13.	P23	22908	01.02.2007	19 7	3,65,23,125/-	1,49,83,840/-	Dhankot
14.	P24	24380	24.01.2008	9 18.5	3,47,37,500/-	2,79,47,500/-	Dhankot
15.	P25	24379	24.01.2008	39 18.5	13,97,37,500/-	2,79,47,500/-	Dhankot
16.	P26	26275	19.3.2007	27 11	5,48,17,750/-	1,59,46,981/-	Kherki Majra Dhankot
17.	P27	11694	31.8.2007	68 5	14,92,96,875/-	1,75,64,536/-	Kherki Majra Dhankot
18.	P28	3656	14.5.2007	20 18M 6 Sarsai	6,01,86,500/-	2,29,28,190/-	Dhankot
19.	P29	3654	14.5.2007	15 6	3,63,37,500/-	1,93,80,000/-	Dhankot
20.	P30	12070	6.9.2007	25 2	5,00,00,000/-	1,60,00,000/-	Dhankot
21.	P31	9934	7.8.2007	33 1	2,20,00,000/-	53,33,000/-	Dhankot
22.	P32	26260	19.3.2007	30 6	5,75,32,800/-	1,53,42,080/-	Chandu
23.	P33	3656	14.5.2007	20 18M 6 Sarsai	6,01,83,500/-	2,00,61,166/-	Kherki Majra Dhankot
24.	P34	25012	1.3.2007	76 4	18,28,80,000/-	1,92,50,520/-	Kherki Majra Dhankot
25.	P35	25135	2.3.2007	72 0	11,70,00,000/-	1,30,00,000/-	Dhankot
26.	P36	24377	24.1.2008	30 0	10,50,00,000/-	2,80,00,000/-	Dhankot
27.	P37	12296	10.9.2207	20 2	1,26,00,000/-	50,40,000/-	Dhankot
28.	P38	1558	29.10.2007	1 5	6,84,500/-	41,07,000/-	Budhera
29.	P39	28474	7.3.2008	1 0	7,26,000/-	58,00,000/-	Budhera
30.	P40	8171	12.7.2006	1 7	8,00,000/-	40,00,000/-	Budhera
31.	P41	11513	30.8.2007	-- 12.5M	4,00,000/-		Budhera
32.	P42	18799	6.12.2006	1 7	8,17,000/-	40,85,000/-	Budhera
33.	P43	26220	21.3.2007	0 14	4,25,000/-		
34.	P44	11891	5.9.2007	0 11.5	3,85,000/-		
35.	P45	1761	20.4.2007	9 4	2,42,15,625/-	2,15,25,000/-	Dhankot
36.	P46	1762	20.4.2007	9 5	2,42,15,625/-	2,15,25,000/-	Dhankot
37.	P47	23566	9.2.2007	11 12	2,26,20,000/-	1,57,35,652/-	Dhankot
38.	P48	3654	14.5.2007	15 06	3,63,37,500/-	1,93,80,000/-	Kherki Majra



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39	P49	24773	27.2.2007	9 7.5	1,17,18,750/-	1,04,16,666/-	Dhankot
40	P50	23566	9.2.2007	11 12	2,26,20,000/-	1,57,35,652/-	Dhankot
41	P51	25552	8.3.2007	9 12	1,80,00,000/-	1,51,57,894/-	Dhankot
42	P52	22770	31.1.2007	10 4	1,95,07,500/-		Dhankot
43	P53	10741	20.8.2007	7 5M 5 Sarsai	2,04,68,750/-	2,33,92,857/-	Kherki Majra
44	P54	11364	27.8.2007	31 8	2,94,37,500/-	75,96,774/-	Kherki Majra
45	P55	10516	14.8.2007	7 2M 3Sarsai	2,09,15,000/-	2,39,02,857/-	Kherki Majra
46	P56	11513	30.8.2007	- 12.5m	4,00,000/-	51,20,000/-	Budhera
47	P57	12274	8.9.2006	- 9	2,72,500/-	48,44,444/-	Budhera
48	P58	12276	8.9.2006	- 12	3,63,000/-	48,40,000/-	Budhera
49	P59	16301	7.11.2007	- 8.25	2,75,000/-	58,33,386/-	Budhera
50	P60	12071	6.9.2007	6 19M 3Sarsai	1,75,00,000/-	2,00,00,000/-	Kherki Majra
51	P61	4544	24.5.2007	9 0	39,00,000/-		Chandu
52	P62	26272	19.3.2007	22 10	4,46,87,800/-	1,62,50,109/-	Kherki Majra
53	P63	26258	19.3.2007	19 15	3,74,05,350/-	1,53,45,784/-	Kherki Majra
54	P65	5442	12.3.2008	2 12	40,00,000/-	1,28,00,000/-	Ghamroj
55	P66	6968	9.1.2012	2 4	57,85,000/-	2,31,40,000/-	Ghamroj
56	P67	2268	23.8.2007	2 0	25,00,000/-	1,00,00,000/-	Ghamroj
57	P68	5174	25.2.2008	4 0	50,00,0000/-	1,00,00,000/-	Ghamroj

10. Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

III. Arguments Putforth:-

11 Learned counsel representing the landowners has submitted that the market value of the acquired land has been wrongly determined by the court while considering the average of the market rate of various parcels of land located in two villages Ghamroj and Budhera. It is submitted that both the villages are located at a distance of 31.8 kms apart and are situated on different locations. It is further submitted that the land in village Ghamroj has always been expensive because it is located near N.H 248-A.



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12. Per contra, the learned counsel representing the State has produced a copy of the layout plan marking the location of the acquired land and the sale deeds.

IV. Analysis & Discussion:-

13. It is evident that the RC has erred in relying upon the sale deeds of various parcels of land located in village Budhera, which is at a distance of more than 31 kms from village Ghamroj. Though the notification under Section 4 of the Land Acquisition Act, 1894 was issued on the same day however, both the villages are located at a distance of more than 31 kms from each other. From a perusal of the layout plan, it becomes evident that a compact block of 239 kanals 3 marlas land has been acquired on Eastern boundary of the village. A parcel of land represented by sale instance Ex.P5 is located at a distance of approximately 15 acres from the acquired land. Same is the position of sale instance Ex.P68. Ex.P66, the sale deed dated 09.01.2012 is abutting the acquired land but this sale instance is post 08.04.2008 notification. The market value of the acquired land is to be assessed on 08.04.2008. Parcel of land represented by sale deed Ex.P6 is also at a distance of around 10 acres from the acquired land. Parcels of land represented by sale instance Ex.P2 and Ex.P3 are located at a distance of around 10 acres from the acquired land. Sale instance Ex.P5 is with respect to half acre of land which has been sold at the rate of Rs.1,00,000/- per acre. This sale deed is less than 2 months prior to the date of notification under Section 4. Sale deed Ex.P2 and Ex.P3 also indicate that the market rate of the land was more than Rs.90 lakhs per acre. Sale instances Ex.P2 and Ex.P3 are nearly 8 months prior to the date of notification under Section 4.



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Sale instance Ex.P6 is with respect to a small parcel of land. From the perusal of notification under Section 4, it is evident that agricultural land has been acquired.

V. Conclusion & Relief:-

14. Keeping in view the aforesaid facts and discussion, sale deeds Ex.P2, Ex.P3 and Ex.P5 are found relevant for assessing the market value. Ex.P5 reflects highest rate of land amongst Ex.P2, Ex.P3 and Ex.P5, Ex.P6. Sale instance Ex.P68 is also reflecting price in the range of Rs.1 lakh per acre. Ex.P66 is also post 08.04.2008 sale deed. Sale deeds Ex.P5, Ex.P67 and Ex.P68 prove the market value of the acquired land in the area was nearly Rupees One crore per acre. The RC erred in relying upon the sale deeds of various parcels of land located in Village Budhera which is at a distance of more than 31 kms. The RC has also erred in overlooking the fact of acquisition for construction of water treatment plant and underground tank for Sohna Town. Hence, application of 50% cut on the base value was incorrect. Similarly, the RC also erred in taking into consideration the RC's award Ex.P11 assessing the market value of the acquired land located in village Budhera in which notification under Section 4 was issued on 19.05.2008.

15. Keeping in view the aforesaid facts and discussion, the market value of the acquired land is assessed @ Rs.1,00,00,000/- per acre. The appeals as well as cross objections bearing no.154-157 of 2016 filed by the landowners are allowed while modifying the award passed by the RC and appeals filed by the State are dismissed.



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

**(ANIL KSHETARPAL)
JUDGE**

12.05.2025

rekha

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No

Sr. No.	Case No.	Appellant(s)	Respondent(s)
1.	RFA-2535-2014	GIANWATI AND OTHERS	STATE OF HARYANA AND OTHERS
2.	XOBJR-156-CI-2016 in/and RFA-476-2015	STATE OF HARYANA & ORS	M/S SUPER FAST HOLDINGS PVT. LTD.
3.	RFA-1453-2015	STATE OF HARYANA & ORS	KRISHANA
4.	RFA-462-2015	STATE OF HARYANA & ORS	BRIJ NARAIN
5.	RFA-463-2015	STATE OF HARYANA & ORS	HARPAL
6.	RFA-464-2015	STATE OF HARYANA & ORS	HARKESH SINGH
7.	RFA-461-2015	STATE OF HARYANA & ORS	HARKESH
8.	RFA-474-2015	STATE OF HARYANA & ORS	RAJ PAL
9.	RFA-5008-2014	SUMAN	STATE OF HARYANA AND ORS
10.	RFA-2159-2015	RAJ PAL AND ORS	STATE OF HARYANA AND ANR
11.	RFA-4986-2014	HARPAL SINGH AND ORS	STATE OF HARYANA AND ORS
12.	RFA-2341-2015	BRIJ NARAIN AND ORS	STATE OF HARYANA AND ANR
13.	RFA-7689-2014	HARKESH SINGH AND ORS	STATE OF HARYANA AND ORS
14.	XOBJR-154-CI-2016 in/and	STATE OF HARYANA & ANR	M/S AMAR PORT FOLIO



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	RFA-456-2015		
15.	XOBJR-155- CI-2016 in/and RFA-457-2015	STATE OF HARYANA & ORS	M/S AMAR PORT FOLIO
16.	XOBJR-157- CI-2016 in/and RFA-459-2015	STATE OF HARYANA & ORS	M/S AMAR PORT FOLIO
17.	RFA-3093- 2015	HARKESH AND ORS	STATE OF HARYANA AND ORS

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**(ANIL KSHETARPAL)
JUDGE**