

RFA-1916-2015 (O&M) & other connected cases [1]

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116+119

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

RFA-1916-2015 (O&M)

Date of Decision: 23.09.2025

Manoj Kumar Goyal and anr.

.....Appellants

Versus

State of Haryana and ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.M.L. Sharma, Advocate and
Mr. Sushil K. Sharma, Advocate
for the appellants.

Mr. Abhinash Jain, DAG, Haryana.

Mr. Deepak Sabharwal, Advocate and
Ms.Ruchika Sabherwal, Advocates
for respondent No.4-Market Committee, Fatehabad.

HARKESH MANUJA, J. (ORAL)

**APPLICATIONS FOR LEADING ADDITIONAL DOCUMENTARY
EVIDENCE**

Learned counsel for the applicants/ appellants does not
press the application(s) under Order 41 Rule 27 CPC for seeking
permission to lead additional documentary evidence.

All the application(s) are dismissed as not pressed.



MAIN CASE:

Vide this common order, a bunch of 30 Regular First Appeals, details of which are given in the footnote of this judgment, are being decided as all the appeals have arisen out of common acquisition/Award involving common facts and question of law. For the sake of brevity, facts are being taken from **RFA No.1928 of 2015**.

2. By way of filing the present appeal(s) challenge has been laid to the decision dated 09.10.2014 passed by the learned Additional District Judge, Fatehabad-cum-Reference Court.

3. Briefly stating, 798 kanals 4 marlas of land situated in Village Bhodia Khera, District Fatehabad was acquired by Government of Haryana vide notifications dated 22.06.2009 and 29.03.2010 issued under Sections 4 & 6 of the Land Acquisition Act, 1894 (hereinafter referred to as the 'Act') for public purpose, namely, for '*Extension of New Grain Market*'. The Land Acquisition Collector, Fatehabad (for short 'the LAC') vide award dated 17.02.2011 assessed market value in respect of the acquired land at the following rate besides granting all other statutory benefits under the Act:-

- "i) *Rs. 60,00,000/- per acre for the land upto the depth of two acres from National Highway No. 10;*
- ii) *Rs. 40,00,000/- per acre for the land upto the depth of two acres from Bhodia Khera-Daulatpur Road, and*
- iii) *Rs. 30,00,000/- per acre for the rest of land*



irrespective of its kind;”

[4]. Aggrieved thereof, the appellants-landowners invoked Reference under Section 18 of the Act, which came to be disposed of by the learned Reference Court vide its award dated 09.10.2014, while determining the market value of the acquired besides awarding all other statutory benefits under the Act, in the following manner:-

- “i) Rs. 60,00,000/- per acre for the land upto the depth of two acres from National Highway No. 10;*
- ii) Rs. 50,00,000/- per acre for the land upto the depth of two acres from Bhodia Khera-Daulatpur Road, and*
- iii) Rs. 40,00,000/- per acre for the rest of land irrespective of its kind”*

Still dissatisfied with the Award passed by the learned Reference Court, the present appeals were preferred at the instance of landowners.

6. Learned counsel appearing on behalf of the appellants/landowners submits that the learned Reference Court went wrong while discharged the sale deed dated 25.06.2008 (Ex.P19) whereby 2 kanals of area forming part of the acquired land was previously sold for Rs.18 lakhs. He submits that the market value of the acquired land was required to be assessed by taking into account the sale deed Ex.P19 by applying an appreciation @ 12% per annum w.e.f.



25.06.2008 till the date of issuance of notification under Section 4 of the Act i.e. 22.06.2009. He also contends that the Land Acquisition Collector (for short 'the LAC) as well as the learned Reference Court went wrong while adopting the principle of belting for the purpose of fixation of market value of the acquired land. Learned counsel emphasis that once the acquired land was abutting National Highway No.10 from the front side and the State Highway (Bhodia Khera to Daulatpur) from the right side, there was no justification for adopting belting system and accordingly, the market value qua the entire land was required to be granted at the uniform rate.

7. On the other hand, learned counsel appearing on behalf of respondent No.4-Market Committee, Fatehabad submits that the sale deed dated 25.06.2008 (Ex.P19) was for a small parcel of land measuring 2 kanal; whereas the acquisition in hand related to 798 Kanals 4 marlas of land and thus a development cut @ 50% at least was required to be imposed on the sale price per acre, derived from Ex.P19. He also submits that considering the large chunk of land acquired for the public purpose in the case in hand, the learned Reference Court rightly adopted belting system for the purpose of determination of market value. In support, he places reliance upon a decision rendered by the Hon'ble Supreme Court in **Haridwar Development Authority, Haridwar Vs. Raghubir Singh etc.**, reported as (2010) 11 SCC 581. Para 6 thereof being relevant, is



extracted hereunder:-

- “6. *The question whether the acquired lands have to be valued uniformly at the same rate, or whether different areas in the acquired lands have to be valued at different rates, depends upon the extent of the land acquired, the location, proximity to an access road/ Main Road/ Highway or to a City/ Town/ Village, and other relevant circumstances. We may illustrate :*
- (A) *When a small and compact extent of land is acquired and the entire area is similarly situated, it will be appropriate to value the acquired land at a single uniform rate.*
 - (B) *If a large tract of land is acquired with some lands facing a main road or a national highway and other lands being in the interior, the normal procedure is to value the lands adjacent to the main road at a higher rate and the interior lands which do not have road access, at a lesser rate.*
 - (C) *Where a very large tract of land on the outskirts of a town is acquired, one end of the acquired lands adjoining the town boundary, the other end being two to three kilometres away, obviously, the rate that is adopted for the land nearest to the town cannot be adopted for the land which is farther away from the town. In such a situation, what is known as a belting method*



is adopted and the belt or strip adjacent to the town boundary will be given the highest price, the remotest belt will be awarded the lowest rate, the belts/strips of lands falling in between, will be awarded gradually reducing rates from the highest to the lowest.

(D) Where a very large tract of land with a radius of one to two kilometres is acquired, but the entire land acquired is far away from any town or city limits, without any special Main road access, then it is logical to award the entire land, one uniform rate. The fact that the distance between one point to another point in the acquired lands, may be as much as two to three kilometres may not make any difference.”

No other argument has been addressed on behalf of the parties.

8. I have heard learned counsel for both the sides and gone through the paper book(s).

9. From a perusal of the site plan proved on record as Ex.P16 which has not been controverted by the respondents, it can be traced out that the land under acquisition geographically borders the National Highway No.10 from the front side and the State Highway (Bhodia Khera to Daulatpur) from the right side. The total acquired land is infact a compact block and is not in the shape of distinct and separate parcels of land, scattered all over the area. Its

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depth from the National Highway No.10 i.e. from front side is 10' to 10 ½' acres; whereas the depth from State Highway (Bhodia Khera to Daulatpur) is exactly 10 acre. In such circumstances, acquired land been a compressed block; neighbouring highway from two corners; needs to be awarded single uniform market value while taking into account the greater potential advantage attached to it on account of its geographical location; proximity to the highways, besides approach/ access. As such in the given facts and also consideration of the principles laid down by the Hon'ble Supreme Court, in **Haridwar Development Authority's** case (supra) the belting system adopted by the learned Reference Court while granting market value @ Rs.60 lakhs per acre upto the depth of 2 acres from National Highway, @ Rs.50 lakhs per acres, upto the depth of 2 acres from the State Highway and for the remaining area @ Rs.40 lakhs per acre is hereby modified and the appellants/ landowners are held entitled for grant of market value at the uniform rate.

10. Further, a perusal of the site plan makes it evidence that the sale deed dated 25.06.2008 (Ex.P19) which has been proved on record by the appellants/ landowners pertains to 2 kanals of land forming part of the same revenue estate i.e. Village Bhodia Khera, District Fatehabad. The sale consideration then being of Rs.18 lakhs, the sale price per acre comes to Rs.72 lakhs. The site plan Ex.P-16 makes it obvious that the land forming part of the sale instance



Ex.P19 also forms part of the acquired land itself and therefore, needs to be relied upon being the best and reliable sale exemplar for the purposes of determination of market value in the present case relating to the same chunk of land having identical potential and locational advantage attached to it. Moreover, no evidence has been led on behalf of respondent No.4 to show that the sale exemplar Ex.P19 is not a bonafide or genuine transaction.

11. In the light of above discussion, considering the fact that the sale exemplar Ex.P19 is dated 25.06.2008; whereas the notification under Section 4 of the Act in the present case is dated 22.06.2009, thus an appreciation @ 12% needs to be applied over its sale price. The price per acre as on the date of notification under Section 4 of the Act in the present case thus Rs.80,64,000/-.

12. As regards the application of development cut over the sale price of the sale exemplar Ex.P19, in the humble opinion of this Court, few of the relevant factors in this regard need to be taken into account. Firstly, the land in the present case has been acquired for the purpose of '*Extension of New Grain Market*' and as such, respondent No.4 is not going to suffer much cost / expense towards development of additional infrastructure in the shape of Green Belt, Community buildings like Police Station, Fire Station, Community Centre etc. Further the sale exemplar Ex.P19 pertains to a relatively larger area of two kanals. In such facts and circumstances, it would



be appropriate to apply development cut @ 10%. Moreover, in the given facts, the sale deed dated 25.06.2008 (Ex.P19) relates to the same revenue estate of Village Bhodia Khera and even forms part of the present acquired land and in such circumstances, the landowners facing compulsory acquisition of the same and the abutting/ adjoining land cannot be put to disadvantageous position by awarding lesser market value than the purchase price, as depicted in the sale deed dated 25.06.2008 (Ex.P19).

13. Accordingly, in the given circumstances by applying cut @ **10%**, the market value of the acquired land comes to Rs.80,64,000 x **10/100=** Rs.72,57,600/- per acre. The appellant(s)/landowner(s) shall also be entitled for all other statutory benefits and interest as provided under the 1894 Act (as amended upto date).

14. Accordingly, in view of the discussion made hereinabove, all the appeals preferred at the instance of appellants-landowners are hereby partly allowed thereby modifying the award dated 09.10.2014 passed by the learned Reference Court.

15. All pending application(s), if any, shall also stand disposed of.

23.09.2025
sanjay

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned?
Whether Reportable?

Yes/No
Yes/No

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<u>Sr.No.</u>	<u>Case No.</u>
1.	RFA-1917-2015(O&M)
2.	RFA-1918-2015(O&M)
3.	RFA-1919-2015(O&M)
4.	RFA-1920-2015(O&M)
5.	RFA-1921-2015(O&M)
6.	RFA-1922-2015(O&M)
7.	RFA-1923-2015(O&M)
8.	RFA-1924-2015(O&M)
9.	RFA-1925-2015(O&M)
10.	RFA-1926-2015(O&M)
11.	RFA-1927-2015(O&M)
12.	RFA-1928-2015(O&M)
13.	RFA-1929-2015(O&M)
14.	RFA-1930-2015(O&M)
15.	RFA-1931-2015(O&M)
16.	RFA-1932-2015(O&M)
17.	RFA-1933-2015(O&M)
18.	RFA-1934-2015(O&M)
19.	RFA-1935-2015(O&M)
20.	RFA-1936-2015(O&M)
21.	RFA-2029-2015(O&M)
22.	RFA-2030-2015(O&M)
23.	RFA-2031-2015(O&M)
24.	RFA-2032-2015(O&M)
25.	RFA-2033-2015(O&M)
26.	RFA-2034-2015(O&M)
27.	RFA-2035-2015(O&M)
28.	RFA-2036-2015(O&M)
29.	RFA-2178-2015(O&M)

23.09.2025
sanjay

(HARKESH MANUJA)
JUDGE