



229 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RFA-2210-2014 (O&M)
Reserved on: 28.03.2025
Pronounced on: 23.04.2025

Dharam Pal and others

...Appellants

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. D.S. Nain, Advocate for the landowners(s)
in RFA Nos. 8008, 8011, 8018 and 8024 of 2014.

Mr. Sandeep Goyal, Advocate for the landowners
in RFA-7379, 7696, 8457, 8458 and 9799 of 2014.

Mr. Arvind Bansal, Advocate
for appellant in RFA No.4428-2014.

Mr. Sandeep Panwar, Advocate
for the landowners.

Ms. Safia Gupta, AAG, Haryana.

ANIL KSHETARPAL, J.

I Preface:-

1. With the consent of learned counsel representing the parties, a batch of 67 regular first appeals, detail whereof is given at the foot of the judgment, shall stand disposed of by this common order.

2. Assessment of market value of the acquired land is the singular issue which arises for adjudication in these appeals.

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

12.04.2005	Notification under Section 4 of the Land Acquisition Act, 1894, was published proposing to acquire land for
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	construction of bypass road between Kaithal-Jind road and Kaithal-Khanauri Road. The land was proposed to be acquired from three revenue estates, namely, Patti Chaudhary, Patti Dogar, Patti khot.
27.03.2006	Declaration under Section 6 of the Land Acquisition was published.
07.03.2008	By separate awards, the Land Acquisition Collector offered to pay to the land owners @ Rs.8,00,000/- per acre.

4. Detail of revenue estate wise acquisition is as under:-

Patti Chaudhary	149 kanals, 16 marlas = 18.73 acres
Patti Dogar	47 kanals 15 marlas = 5.84 acres
Patti Khot	11 kanals 18 malras = 1.49 acres

5. On 31.10.2013, the RC divided the acquired land in revenue estate Patti Chaudhary in the following three sections:-

"Firstly, the land is situated on the exterior part of the Patti Chaudhary, Secondly, the land which is situated in between exterior part of Patti Chaudhary and the City Kaithal and thirdly land situated on Chandana road."

First section : Rs.12,16,700/- per acre

Second section : Rs.12,92,740/- per acre

Third Section : Rs.13,68,790/- per acre

Patti Dogar 29.11.2013 : Rs.12,16,700/-per acre

Patti Khot 29.11.2013 : Rs.12,16,700/- per acre

6. The land owners claim that the amount awarded by the RC is inadequate, whereas, State of Haryana claims otherwise.



II Evidences Adduced:-

7. In the cases arising from revenue estate **Patti Chaudhary**, the land owners examined the following witnesses:-

Sr. No.	List of witnesses	
1.	PW/1	Statement of Krishan Lal Patwari
2.	PW/2	Statement of Darshan Singh
3.	PW/3	Statement of Rajesh Kumar
4.	PW/4	Statement of Lakhi Ram Clerk
5.	PW/5	Statement of Suresh Kumar
6.	PW/6	Statement of Jaidev Dhiman
7.	PW/7	Statement of Dharampal
8.	PW/8	Statement of Naresh Kumar Bansal

8. On the other hand, State of Haryana examined the following witnesses:-

Sr. No.	List of witnesses	
1.	RW/1	Statement of Sanjeev Rana, Sub Divisional engineer, Provincial Sub Division No.II.

9. With respect to revenue estate of **Patti Dogar**, the land owners examined the following witnesses:-

Sr. No.	List of witnesses	
1.	PW/1	Statement of Ramesh Kumar
2.	PW/2	Statement of Inder Kumar

10. On the other hand, State of Haryana examined the following witnesses:-:-



Sr. No.	List of witnesses	
1.	RW/1	Statement of Sanjeev Rana, Sub Divisional engineer, Provincial Sub Division No.II.

11. With respect to revenue estate of Patti Khot, the land owners did not examine any witness.

12. State of Haryana examined RW-1-Sanjeev Rana, Sub Divisional Engineer, Provincial Sub Division No.II.

13. Apart from the sale deeds the parties produced the following documentary evidence:-

Patti Chaudhary

Documentary Evidence

Ex.PW 1/A	Daily Diary Entry No.628 w.r.t. notification under Section 4 of the Land Acquisition Act, 1894
Ex.PW 2/A	Daily Diary Entry No.628 w.r.t. notification under Section 4 of the Land Acquisition Act, 1894
Ex.PW 3/A	Commercial, Residential & Agricultural properties for collector rates for the year 2003-04, 2004-05 of Kaithal
Ex.PW 3/B	Commercial, Residential & Agricultural properties for collector rates for the year 2005-06
Ex.PW 4/A	Brochure issued by the HUDA inviting application for allotment of freehold residential properties in Section 18, Kaithal.
Ex.PW 4/B	Brochure issued by the HUDA inviting application for allotment of freehold residential properties in Section 21, Kaithal, Gulha & Cheeka.
Ex.PW 5/A	Gazette Notification under Section 4(3) of Haryana Municipal Act, 1973 published on 19.03.1996.
Ex.RW-1/RB	Gazette Notification under Section 4(3) of Haryana Municipal Act, 1973 published on 19.03.1996.
Ex.RW-2	LAC's Award No.3 K (07.03.2008)



Ex.PW 5/C	Gazette Notification under Section 6(2) of Haryana Municipal Act, 1973, Published on 26.09.2002.
Ex.PW 6	RC's Award passed on 21.03.2011
Ex.PW 7	RC's Award passed on 03.11.2009
Ex.PW 8	RC's Award passed on 14.05.2009
Ex.PW 9	RC's Award passed on 31.10.2013

Patti Dogar

Ex.PA	RC's Award passed on 31.10.2013
Ex.R-1	Gazette Notification under Section 4(3) of Haryana Municipal Act, 1973 published on 19.03.1996. LAC's Award No.2K passed on 07.03.2008
Ex.R-2	LAC's Award No.2K passed on 07.03.2008

Patti Khot

Ex.PA	RC's Award passed on 31.10.2013
Ex.P-B	Copy of <i>aks shijra</i>
Ex.R-1	Gazette Notification under Section 4(3) of Haryana Municipal Act, 1973 published on 19.03.1996.
Ex.R-2	LAC's Award No.2K passed on 07.03.2008

III Arguments addressed:-

13. Heard the learned counsel representing the parties at length and with their able assistance perused the paper-book.

14. Learned counsel representing the land owners has submitted that most of the land was situated within municipal area of Kaithal and the RC has erred in overlooking the material evidence. On the other hand, learned State counsel has submitted that RC committed error in excluding the sale deeds



produced by the State by wrongly interpreting Section 25 of the Land Acquisition Act, 1894.

IV. Discussion:-

15. This Court has considered the submissions made by the learned counsel representing the parties and perused the paper book, the judgments passed by the RC and the requisitioned Lower Court Record.

16. As is evident, the acquisition is for the purpose of constructing a bypass to link two different roads, namely, Kaithal-Jind road, which is a National Highway with Kaithal-Khanauri road while bypassing Kaithal town.

17. A tabulated compilation of the sale deeds produced by both the parties is extracted as under:-

Sr. No.	Exhibit	Village	Date of sale	Area sold	Sale price (Rs.)	Sale price in acres (Rs.)
1.	EX.P1	Patti Chaudhary	22.03.2002	64 K 17M	81,06,250/-	10,00,000/-
2.	EX.P2	Patti Khot	12.01.2006	04 K 00 M	9,80,500/-	19,61,000/-
3.	EX.P3	Patti Kayasth Seth	29.06.2006	50 K 12 M	2,59,32,500/-	41,00,000/-
4.	EX.P4	Patti Chaudhary	11.07.2007	19 K 00M	8,10,39,750/-	3,41,22,000/-
5.	EX.P5	Patti Godar	01.06.2005	04 K 00M	25,00,000/-	50,00,000/-

Patti Chaudhary

Sr. No.	Exhibit	Date of sale	Area sold	Sale price (Rs.)	Sale price in acres (Rs.)
1.	EX.R3	09.11.2004	03 K 18M	1,75,000/-	3,58,974/-
2.	EX.R4	17.12.2004	02 K 00 M	87,500/-	3,50,000/-
3.	EX.R5	11.02.2005	16 K 00 M	6,82,500/-	3,41,250/-



Patti Dogar

Sr. No.	Exhibit	Date of sale	Area sold	Sale price (Rs.)	Sale price in acres (Rs.)
1.	EX.R3	01.03.2005	08 K 16M	3,03,000/-	2,75,455/-
2.	EX.R4	24.03.2005	05 K 10 M	1,89,500/-	2,75,636/-

Patti Khot

Sr. No.	Exhibit	Date of sale	Area sold	Sale price (Rs.)	Sale price in acres (Rs.)
1.	EX.R3	18.01.2005	02 K 18M	2,00,000/-	5,51,724/-
2.	EX.R4	16.11.2004	08 K 00 M	13,00,000/-	3,00,000/-

18. It is evident that the RC has erred in excluding the sale deeds produced by the State on the ground that these sale deed reflect price lower than offered by the Land Acquisition Collector by wrongly interpreting Section 25 of the Act. This issue is no longer *res integra* in view of judgment passed by the Supreme Court in '***Lal Chand vs. Union of India and others***', (2009) 15 ***SCC 769***. Hence, the sale deeds produced by the State are required to be taken into account even if they reflect price lower than the amount offered by the Land Acquisition Collector.

19. As per Part I of Section 23 (1) of the Land Acquisition Act, 1894, the market value of the acquired land is to be determined on the date when notification under Section 4 of the Act was published. Hence, the crucial date in the present case is 12.04.2005. On a bare look at the various lay out plans produced by the land owners, it becomes evident that a narrow strip of land



was acquired in order to construct a bypass road connecting Kaithal-Jind road with Kaithal-Khanauri road.

20. A perusal of lay out plan Ex. PW5/D proves that Kaithal-Jind road is in fact a National Highway, which starts from Ambala and goes towards Jind and Sirsa. At the relevant time it was National Highway No. 65. Bypass road has been constructed near the Transport Nagar situated on National Highway- where there are rice mills, hospitals and godowns. There is already a bypass road coming from eastern side of the City of Kaithal to connect Ambala-Kaithal road to Kaithal-Jind road. In fact, in order to construct a bypass road to Kaithal Town, there is a bypass already constructed on eastern side. Now, a bypass road has been constructed to connect circular road towards southern side of Kaithal Town.

21. Parcel of land comprised in rectangle numbers 105, 106 and 111 has been sold vide sale deed Ex.P1 executed on 22.03.2002 by the Municipal Committee, Kaithal with respect to 64 kanals 17 marlas land in favour of Central Warehousing Corporation. Official revenue lay out plan of Kaithal Town is Ex.PW2/A. Its careful perusal proves that on Kaithal-Jind road, 8 acres, 17 marlas land has been sold @ Rs.10,00,000/- per acre on 22.03.2002. This parcel of land is located towards Jind on Kaithal-Jind, in other words, towards southern side of the acquired land. Whereas, the acquisition is sought to be made from land comprised in rectangle Nos. 60/61/62, which is much closer to the city. Hence, the RC has correctly found that sale instance Ex. P-1 is relevant piece of evidence.



22. The remaining sale instances produced by the land owners are with respect to period post the date of notification under Section 4 of the Act, i.e 12.04.2005.

23. Despite best efforts, this Court fails to comprehend the manner in which the RC Court has calculated the market value. On the one hand, RC holds that Ex. P1, sale deed No. 7380 dated 22.03.2002 is relevant. However, thereafter, it calculates base price @ Rs. 8,00,000/-per acre, although, the sale deeds was executed @ 12,00,000/- per acre. Similarly, there is lack of clarity with regard to three sections, in which, the acquired land has been divided.

V. Relief:-

24. The price of the land in abutting National Highway Kaithal-Jind Road is expected to be high. There is a gap of 03 years and 01 month between sale deed No. 7380 and date of notification under Section 4 of the Act. Hence, increase @ 12% can be calculated on the base value reflected in Ex.P-1. Therefore, on base price of Rs.10,00,000/-, there will 12% increase per year for a period of 37 months, which comes to 37%. Consequently, the market value of the acquired land upto the depth of 02 acres on National Highway Kaithal-Jind road is assessed @ Rs.13,70,000/- per acre.

25. Bypass road is known as Chandana Road. Ultimately, it ends at Kaithal-Khanauri road. Consequently, land upto the depth of 02 acres on both sides of Chandana road and Khanauri road is at the same rate, i.e. @ Rs. 13,70,000/- per acre.



26. With regard to remaining acquired land, the LAC as well as RC have found that it was being used for agricultural purposes. The land owners have not produced any sale deed of contemporaneous period to prove the market value of the acquired land which was more than offered by the LAC. Ex. R4 sale deeds No. 6852 (30.12.2004) and 5667 (16.11.2004) with respect to 08 kanals each, sold @ Rs. 3,00,000/- per acre in village Patti Khot proves that the amount offered by LAC was not inadequate. These sale instances pertain to period after the notification under Section 4 of the Act was issued. Similarly, in Patti Dogar, sale deed No.1917 dated 27.05.2005 proves that 40 kanals land was sold for Rs. 13,75,000/- The per acre price comes to Rs.2,75,000/- per acre.

27. In absence of evidence, it is not appropriate to disturb the assessment of the LAC. Consequently, the remaining acquired land, which is at a distance of more than 02 acre depth on three major roads, namely, Jind road, Kaithal-Chandana road and Kaithal-Khanauri road, the amount assessed by the LAC is maintained.

28. With theses observations, the appeals are disposed of.

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

**(ANIL KSHETARPAL)
JUDGE**

23.04.2025

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No

**RFA-2210-2014 (O&M) &
other connected cases**

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Sr. No	Case No.	Appellant(s)	Respondent(s)
1.	RFA-2210-2014	DHARAM PAL AND ORS	STATE OF HARYANA AND ORS
2.	RFA-1572-2015	OM PATI AND ORS	STATE OF HARYANA AND ORS
3.	RFA-2211-2014	THAKUR DWARA	STATE OF HARYANA AND ORS
4.	RFA-2288-2015	BALDEVA (NOW DECEASED) THROUGH HIS LRS AND ORS	STATE OF HARYANA AND ORS
5.	RFA-2289-2015	BUDHO DEVI AND ORS	STATE OF HARYANA AND ORS
6.	RFA-2290-2015	AMAR SINGH	STATE OF HARYANA AND ORS
7.	RFA-2523-2014	ASHA RANI	STATE OF HARYANA AND ORS
8.	RFA-2524-2014	SHAM SUNDER	STATE OF HARYANA AND ORS
9.	RFA-2566-2015	OM PARKASH	STATE OF HARYANA AND ORS.
10.	RFA-2873-2016	LACHMAN DASS AND ORS	STATE OF HARYANA AND ORS
11.	RFA-2922-2015	PRITAM SINGH (NOW DECEASED) THROUGH HIS LRS AND ORS	STATE OF HARYANA AND ORS.
12.	RFA-2923-2015	SURTA (NOW DECEASED) THROUGH HIS LRS AND ORS	STATE OF HARYANA AND ORS
13.	RFA-3638-2014	OM PARKASH	STATE OF HARYANA AND ORS
14.	RFA-3639-2014	RAMPHAL AND ANR	STATE OF HARYANA AND ORS
15.	RFA-3640-2014	ROHIT AND ANR	STATE OF HARYANA AND ORS
16.	RFA-3641-2014	MANJEET SAINI AND ORS	STATE OF HARYANA AND ORS
17.	RFA-4428-2014	ARVIND KUMAR AND ORS	STATE OF HARYANA AND ORS
18.	RFA-4428-2015	GINNA (NOW DECEASED) THROUGH HER LRS AND ORS	STATE OF HARYANA AND ORS
19.	RFA-4953-2014	JETHU RAM AND ORS	STATE OF HARYANA AND ORS
20.	RFA-4954-2014	BALBIR AND ORS	STATE OF HARYANA AND ORS
21.	RFA-6598-2014	INDER NATH AND ORS	STATE OF HARYANA AND ORS
22.	RFA-6695-2015	STATE OF HARYANA AND ORS	LACHHMAN DASS AND ORS
23.	RFA-7223-2014	RAM MURTI AND ORS	STATE OF HARYANA AND ORS
24.	RFA-7379-2014	MANJEET KAUR	STATE OF HARYANA AND ANR
25.	RFA-7696-2014	DARSHAN SINGH AND ORS	STATE OF HARYANA AND ORS
26.	RFA-7958-2014	STATE OF HARYANA AND ORS	INDER NATH AND ORS
27.	RFA-7959-2014	STATE OF HARYANA AND ORS	PHOOLA BANTI
28.	RFA-7960-2014	STATE OF HARYANA AND ORS	BIMLA RANI AND ORS
29.	RFA-7961-2014	STATE OF HARYANA AND ORS	BIMAL RANI AND ORS
30.	RFA-7962-2014	STATE OF HARYANA AND ORS	HARBANS LAL AND ORS
31.	RFA-7963-2014	STATE OF HARYANA AND ORS	HARBANS LAL AND ORS
32.	RFA-7964-2014	STATE OF HARYANA AND ORS	RAGHUNATH RAI AND ORS
33.	RFA-8001-2014	STATE OF HARYANA AND ORS	PRITAM SINGH AND ORS
34.	RFA-8002-2014	STATE OF HARYANA AND ORS	DAKHO DEVI AND ORS
35.	RFA-8003-2014	STATE OF HARYANA AND ORS	DHARMPAL AND ORS
36.	RFA-8004-2014	STATE OF HARYANA AND ORS	KAMLA DEVI
37.	RFA-8005-2014	STATE OF HARYANA AND ORS	JETHU RAM AND ORS
38.	RFA-8006-2014	STATE OF HARYANA AND ANR	JASWANT AND ORS
39.	RFA-8007-2014	STATE OF HARYANA AND ORS	SHYAM SUNDER
40.	RFA-8008-2014	STATE OF HARYANA AND ORS	KHEM RAJ AND ORS
41.	RFA-8009-2014	STATE OF HARYANA AND ORS	SURAJ PARKASH
42.	RFA-8010-2014	STATE OF HARYANA AND ORS	RAM PHAL
43.	RFA-8011-2014	STATE OF HARYANA AND ORS	SURTA RAM AND ORS
44.	RFA-8012-2014	STATE OF HARYANA AND ORS	ARVIND KUMAR AND ORS
45.	RFA-8013-2014	STATE OF HARYANA AND ORS	THAKUR DWARA

**RFA-2210-2014 (O&M) &
other connected cases**

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46.	RFA-8014-2014	STATE OF HARYANA AND ORS	BALBIR AND ORS
47.	RFA-8015-2014	STATE OF HARYANA AND ORS	BALDEVA DECEASED THROUGH HIS LRS AND ORS
48.	RFA-8016-2014	STATE OF HARYANA AND ANR	BUDHO DEVI AND ORS
49.	RFA-8017-2014	STATE OF HARYANA AND ORS	GEENA
50.	RFA-8018-2014	STATE OF HARYANA AND ORS	MELO DEVI DECEASED THROUGH HIS LRS AND ORS
51.	RFA-8019-2014	STATE OF HARYANA AND ORS	ASHA RANI
52.	RFA-8020-2014	STATE OF HARYANA AND ORS	OM PATI AND ORS
53.	RFA-8021-2014	STATE OF HARYANA AND ORS	RAM MURTI AND ORS
54.	RFA-8022-2014	STATE OF HARYANA AND ORS	DARSHAN SINGH
55.	RFA-8023-2014	STATE OF HARYANA AND ORS	INDER SINGH DECEASED THORUGH LRS AND ORS
56.	RFA-8024-2014	STATE OF HARYANA AND ORS	SURTA DECEASED THORUGH HIS LRS AND ORS
57.	RFA-8025-2014	STATE OF HARYANA AND ORS	RAM CHANDER DECEASED THORUGH HIS LRS
58.	RFA-8026-2014	STATE OF HARYANA AND ORS	DIWANA DECEASED THROUGH HIS LRS
59.	RFA-8027-2014	STATE OF HARYANA AND ORS	MEHAR SINGH
60.	RFA-8028-2014	STATE OF HARYANA AND ORS	JETHU RAM AND ORS
61.	RFA-8029-2014	STATE OF HARYANA AND ORS	RAM SINGH
62.	RFA-8030-2014	STATE OF HARYANA AND ORS	OM PARKASH
63.	RFA-8031-2014	STATE OF HARYANA AND ORS	OM PARKASH
64.	RFA-8457-2014	HARBANS LAL AND ORS	STATE OF HARYANA AND ORS.
65.	RFA-8458-2014	RAGHUNATH RAI AND ORS	STATE OF HARYANA AND ORS.
66.	RFA-8679-2014	STATE OF HARYANA AND ANR	MANJEET KAUR
67.	RFA-9799-2014	HARBANS LAL AND ORS	STATE OF HARYANA AND ORS.

**(ANIL KSHETARPAL)
JUDGE**

23.04.2025
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