

2025:PHHC:130570



148

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA-1837-2023 (O&M)

Date of Decision: September 19, 2025

BHATERI AND ORS.

.....Appellants

Versus

STATE OF HARYANA AND ANR.

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. R.S. Sheoran, Advocate,
Mr. Anil Ghanghas, Advocate,
Mr. Bhupender Ghanghas, Advocate for the
appellant(s)-landowner(s).

Ms. Harmeet Kaur Bhatia, Advocate for
Mr. Aryavart Chaudhary, Advocate for the appellant(s).

Mr. Abhinash Jain, DAG, Haryana.

HARKESH MANUJA, J. (ORAL)

CM-5359-CI-2023 in RFA-1837-2023, CM-1345-CI-2024 IN RFA-493-2024, CM-1348-CI-2024 IN RFA-494-2024, CM-1351-CI-2024 IN RFA-495-2024, CM-1357-CI-2024 IN RFA-496-2024, CM-1360-CI-2024 IN RFA-497-2024, CM-1363-CI-2024 IN RFA-498-2024, CM-1371-CI-2024 IN RFA-500-2024, CM-1374-CI-2024 IN RFA-501-2024, CM-1377-CI-2024 IN RFA-502-2024, CM-1391-CI-2024 IN RFA-507-2024, CM-1397-CI-2024 IN RFA-509-2024, CM-1399-CI-2024 IN RFA-510-2024, CM-1425-CI-2024 IN RFA-519-2024, CM-1449-CI-2024 IN RFA-538-2024, CM-5368-CI-2023 IN RFA-1842-2023, CM-5375-CI-2023 IN RFA-1845-2023, CM-5204-CI-2023 IN RFA-1807-2023, CM-5233-CI-2023 IN RFA-1816-2023 and CM-5239-CI-2023 IN RFA-1819-2023

These are the applications filed under Section 151 CPC for condonation of delay.

For the reasons mentioned in the applications, the same are allowed and delay of 25-255 days in respective appeal(s) is condoned as sufficient cause is made out in all the cases.

MAIN APPEAL(S)

A batch of 25 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-1837-2023.

By way of present appeal, challenge has been laid to the award dated 28.07.2023 passed by the learned Additional District Judge, Bhiwani, (for short 'Reference Court') whereby the reference petitions filed under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as '1894 Act') by the appellants for seeking enhancement of market value of the acquired land were partly allowed.

2. Briefly stating, the land measuring 83 kanals and 4 marlas, situated within the revenue estate of Village Pur, Tehsil Bawani Khera and District Bhiwani was acquired for the public purpose of construction of Siwara-Talu Link Drain vide notifications dated 14.10.2013 and 10.06.2014 issued under Sections 4 and 6 respectively of 1894 Act. The Land Acquisition Collector passed Award No. 6 dated 14.10.2015 assessing the market value at the rate of Rs.7,50,000/- per acre up along with grant of statutory benefits.

3. The appellants-landowners, feeling dissatisfied with the award, sought reference under Section 18 of the 1894 Act before the learned Reference Court Bhiwani, pleading that the market value of the acquired land was not less than Rs.60,00,00/- per acre as the LAC has not taken into consideration its potentiality. The appellants-landowners submitted that the LAC while assessing the market value of the acquired land determined it to be agriculture in nature and even no compensation

in respect of tubewell and standing trees was provided to the appellants-landowners.

4. Upon notice, respondents filed a written statement wherein it was stated that the Land Acquisition Collector rightly awarded the compensation while considering the potentiality, location and all other factors which were necessary for determination of market value.

5. On the basis of pleadings of the parties, the following issues were framed by learned Reference Court on 22.09.2016:-

- “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 declared vide notification dated 10.06.2014? OPP
2. Whether the petitioners are entitled to enhancement compensation of their acquired land, as alleged, if so, to what effect? OPP
3. Whether the petitions are not maintainable in their present form, as alleged? OPR
4. Relief.”

6. In order to prove their case, the petitioners examined witnesses viz. Mr. Jai Parkash Patwari as PW-1, Harish Chander as PW2, Bir Singh Patwari as PW-3, Wazir Singh as PW-4, Partap as PW5 and Om Parkash as PW-6, Jag Mohan as PW-7, Azad as PW-8, Vedpal as PW-9, Abhey Ram as PW-10, Bhupinder as PW-11, Pardeep as PW-12 and Veer Bhan as PW-13 besides tendering certain documents i.e. Exs. P-1 to P-20 . On the other hand, the respondents examined Balraj Singh, SDO as RW-1 in oral evidence besides tendering certain documents i.e. Exs. R-1 to R-5.

8. After considering the evidence, the learned Additional District Judge, Bhiwani, vide award dated 28.07.2023 allowed the petitions partly and fixed the market value of the acquired land @ Rs.13,12,500/- per

acre along with interest @ Rs.12% per annum from 08.03.2013 (the date of publication of notification under Section 4) till 24.06.2015 (the date of award) on the market value assessed by LAC i.e. Rs.7,50,000/- besides awarding 20% of the market value for the land which was bifurcated in two different parcels due to construction of Siwara-Talu Link Drain.

9. Aggrieved of the aforesaid award dated 28.07.2023, the present Regular First Appeal(s) (RFAs) were filed by the appellants-landowners.

10. Impugning the aforementioned award, the only argument raised on behalf of the appellants-landowners is that while determining the market value, the sale deed dated 12.01.2009 Ex.P-8/A pertaining to the same revenue estate of Village Pur, Tehsil Bawani Khera, District Bhiwani was wrongly discarded by the learned Reference Court. Mr. Sheoran submits that sale deed-Ex. P-8/A pertains to 600 square yards of land against sale consideration of Rs.2,40,000/- and the sale price per acre comes to Rs.19,36,000/-. He contends that after applying appreciation @ 12% per annum over the sale price per acre from the date of sale deed till the date of notification under Section 4 of the present case and making an appropriate cut thereupon towards the development cost, market value was required to be assessed by the learned Reference Court.

11. On the other hand, learned counsel appearing on behalf of respondents submits that though the sale instance Ex.P-8/A relates to the same revenue estate i.e. Village Pur, however, it pertains to a small parcel of land only and as such, the same has been rightly discarded by learned Reference Court under the circumstances that the acquired land in the present case is relatively large chunk of 83 kanals and 4 marlas.

Learned State counsel also submits that the learned Reference Court went wrong while placing reliance upon the notification dated 23.01.2018 issued by the Department of Revenue and Disaster Management, Haryana to grant benefit of multiplier factor of 1.75 in favour of appellants-landowners while assessing the market value to the tune of Rs.13,12,500/- per acre and thus, the same was required to be reduced. No other argument has been address by learned State counsel.

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. The appellants-landowners have proved on record the sale instance dated 12.01.2009 (Ex.P-8/A) pertaining to 600 square yards of land situated in village Pur, Tehsil Bawani Khera, District Bhiwani. Even as per the instructions obtained by learned State counsel from the concerned official, the land involved in Ex.P-8/A forms part of Rect. No.101 which is situated at a distance of approximately 25 acres away from the acquired land. The learned Reference Court went wrong to discard the sale instance Ex.P-8/A dated 12.01.2009 on the ground that the same was executed more than three years prior to the date of notification under Section 4 of 1894 Act in this case which was issued on 14.10.2013. The reliance placed upon by the learned Reference Court upon Section 26 of the Right to Fair Compensation and Transparency in Land Acquisition and Rehabilitation and Re-settlement Act, 2013 was wholly misplaced. The determination of market value by the Land Acquisition Collector only is regulated by the parameters laid down under Section 26 of the 2013 Act. In fact, the re-assessment of market value by the learned Reference Court made under Section 64 of 2013 Act is not to

govern by Section 26 of the said Act as the same has to be made by the Court concerned, on the basis of evidence lead by the parties on record.

14. There is no evidence available on record that the sale instance Ex.P-8/A which pertains to the same revenue estate of village Pur is not a bona fide or genuine sale transaction and thus, the same can be taken as sale exemplar. As per the said sale instance, the sale price mentioned in Ex.P-8/A is Rs.2,40,000/- for 600 square yards of land which thus, comes to Rs.19,36,000/- per acre. There is difference of period of 57 months between the date of sale exemplar Ex. P-8/A and date of notification under Section 4 of the Act in the present case (12.01.2009 to 14.10.2013). Accordingly, after applying compound appreciation at the rate of 12% per annum for 48 months, the sale price per acre as on 14.10.2013 comes to Rs.30,39,520/- ($19,36,000 \times 57\% + 19,36,000$). Taking into account the fact that the land in the present case has been acquired for the purposes of construction of Siwara-Talu Link Drain, the respondents would not be under an obligation to bear any additional infrastructural cost towards providing of amenities. However, appreciating the fact that the sale exemplar (Ex.P/8/A) is for an area measuring 600 square yards whereas, the acquired land in hand is around 83 kanals and 4 marlas and there is distance of around 25 acres between the two parcels, an appropriate cut of 50% needs to be applied over the sale price.

15. Accordingly, in the light of aforesaid discussion, the market value pertaining to the present acquisition, carried out vide notification dated 14.10.2013 pertaining to the same revenue estate of Village Pur, Tehsil Bawani Khera and District Bhiwani is re-assessed at Rs.15,19,760/- ($30,39,520 \times 50\%$). The appellants-landowners shall also

be entitled for award of all other statutory benefits and interest provided under Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 in addition to the benefit of 20% of market value awarded towards severance of land.

16. In view of the fact that the counsel representing both the parties have apprised this Court about the pendency of SLP No.425-432 of 2025 titled as **“State of Haryana Vs. Sukhbir and Others”** before the Hon’ble Apex Court, wherein, the issue of applicability of notification dated 14.10.2013 on the acquisitions carried out prior thereto is pending consideration, it would not be appropriate to adjudicate upon the said issue at this stage. However, in case the Hon’ble Apex Court in the aforementioned SLPs decides in favour of the landowners, the present appellants shall be at liberty to seek review of the present decision in terms thereof.

17. Accordingly, the appeals filed on behalf of the appellants-landowners are partly allowed in above terms and appeals filed on behalf of respondents/State are dismissed.

18. 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.

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

19.09.2025

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-493-2024 (O&M)	STATE OF HARYANA AND ANOTHER V/S BHAGWAN DASS AND OTHERS
RFA-494-2024(O&M)	STATE OF HARYANA AND ANOTHER V/S MAHENDER
RFA-495-2024(O&M)	STATE OF HARYANA AND ANOTHER V/S RAM PARSHAD AND OTHERS
RFA-496-2024(O&M)	STATE OF HARYANA AND ANOTHER V/S BHANTI DEVI AND OTHERS
RFA-497-2024(O&M)	STATE OF HARYANA AND ANOTHER V/S VIKRAM SINGH AND OTHERS
RFA-498-2024 (O&M)	STATE OF HARYANA AND ANOTHER V/S BHATERI AND OTHERS
RFA-500-2024 (O&M)	STATE OF HARYANA AND ANOTHER V/S RAJBIR AND OTHERS
RFA-501-2024(O&M)	STATE OF HARYANA AND ANOTHER V/S ABHEY RAM AND ANOTHER
RFA-502-2024(O&M)	STATE OF HARYANA AND ANOTHER V/S PARTAP AND OTHERS
RFA-507-2024(O&M)	STATE OF HARYANA AND ANOTHER V/S RAMESHWAR AND ANOTHER
RFA-509-2024(O&M)	STATE OF HARYANA AND ANOTHER V/S OM PARKASH AND ANOTHER
RFA-510-2024(O&M)	STATE OF HARYANA AND ANOTHER V/S DALIP SINGH AND OTHERS
RFA-519-2024(O&M)	STATE OF HARYANA AND ANOTHER V/S VEDPAL
RFA-538-2024(O&M)	STATE OF HARYANA AND ANOTHER V/S NIHAL SINGH DIED THROUGH HIS LRS AND OTHERS
RFA-1842-2023(O&M)	RAM PARSHAD (DECEASED) THROUGH LRS AND OTHERS V/S STATE OF HARYANA AND OTHERS
RFA-1845-2023(O&M)	BHAGWAN DASS AND OTHERS V/S STATE OF HARYANA AND ANR.
RFA-1776-2023(O&M)	NIHAL SINGH DECEASED THROUGH LRS AND OTHERS V/S STATE OF HARYANA AND OTHERS
RFA-1807-2023(O&M)	MAHENDER (SINCE DECEASED) THROUGH LRS V/S STATE OF HARYANA AND ANOTHER
RFA-1721-2023(O&M)	ABHEY RAM AND ANR V/S STATE OF HARYANA AND ANOTHER
RFA-1723-2023(O&M)	VEDPAL V/S STATE OF HARYANA AND ANOTHER
RFA-1816-2023(O&M)	OM PARKASH AND ANR V/S STATE OF HARYANA AND ANOTHER
RFA-1819-2023(O&M)	PARTAP AND OTHERS V/S STATE OF

	HARYANA AND ANOTHER
RFA-278-2024(O&M)	PARDEEP KUAMR AND OTHERS V/S STATE OF HARYANA AND ORS
RFA-288-2024(O&M)	RAMESHWAR AND ANR. V/S STATE OF HARYANA AND ANOTHER