

2025:PHHC:129549



RFA Nos.1198 of 1998 (O&M)
WITH OTHER CONNECTED CASES

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107

RFA No.1198 of 1998 (O&M)
with other connected cases
Date of Decision: 17.09.2025

RESHMI

.....Appellant

Vs

STATE OF HARYANA THROUGH DIVISIONAL FOREST OFFICER,
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Shivam Singh Chauhan, Advocate for
Mr. Ashok Kumar Khubbar, Advocate
Ms. Harmanpreet Kaur, Advocate
for the appellants/landowners.

Mr. Abhinash Jain, D.A.G., Haryana.

Mr. Manjit Singh, Advocate
for LRs of respondent No.2 in RFA No.1906 of 1998.

HARKESH MANUJA, J. (Oral)

[1]. Vide this common order, a bunch of 27 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.1198 of 1998 (O&M).

[2]. By way of present appeal, challenge has been laid to the Award dated 12.02.1998 passed by the learned Addl. District Judge, Jagadhri (hereinafter to be referred as the 'Reference Court'), whereby Reference Petition filed under Section 18 of the Land Acquisition Act, 1894 (for short 'the 1894 Act') at the instance of



RFA Nos.1198 of 1998 (O&M)
WITH OTHER CONNECTED CASES

the landowner(s) was partly allowed while granting them the benefit of enhanced market value @ Rs.2,500/- per acre for *gair mumkin* land besides awarding statutory benefits/interest as provided under the 1894 Act.

[3]. Briefly stating, in the present case, land measuring 748 acres (3590 Bighas 2 Biswas) situated within the revenue estate of village Muzahadwala, Tehsil Chhachhrauli, came to be acquired vide Notifications dated 03.11.1980 and 29.12.1983 issued under Sections 4 & 6 of the 1894 Act respectively for plantation in village Muzahadwala, followed by an Award passed by the Land Acquisition Collector (for short 'the LAC') on 21.05.1984; assessing the market value @ Rs.475/- per acre for Gair Mumkin land and Rs.248/- per acre for plants along with all other statutory benefits as provided under the 1894 Act.

[4]. The appellant(s)-landowner(s), feeling dissatisfied with the Award, filed objection petition under Section 18 of the 1894 Act, pleading that similar kind of land was acquired by Hydel Project Department for its project in village Bhudkalan and Begumpur which are situated near village Muzahadwala and the LAC therein had awarded compensation of Rs.19,600/- per acre.

[4.1]. Upon notice, respondent-State contested the same while submitting that award made by learned Collector was according to the rates prevailing at the time of notification and thus, the same was liable to be dismissed.

[5]. On the basis of pleadings of the parties, the following issues were framed by the learned Reference Court for consideration:-

- “1. What was the market value of the acquired land at the time of issuance of notification under Section 4 of the Land Acquisition Act, 1894? OPP



RFA Nos.1198 of 1998 (O&M)
WITH OTHER CONNECTED CASES

2. Whether the petitioner is entitled to any compensation for any trees? If so in what amount? OPP
3. Whether the petitioner is also entitled to compensation as per his share for the acquisition of shamlat land? OPP
4. Relief.”

[6]. In order to prove their case, the appellants examined witnesses including PW-1 namely Phaggu Ram, PW-2-Puran Chand, Kanungo, and PW-4 Ram Lal and tendered documents i.e. sale deeds Ex. P-1, Ex.P-2 and Ex.P-3 respectively. Appellants also tendered in evidence copies of sale deed Ex. P-6 and copies of Awards Ex.P-7 to Ex.P-16. Details of relevant Awards Ex.P-7, Ex.P-9 to Ex.P-12 are extracted hereunder for reference:-

| <i>Exhibits</i> | <i>Purpose of acquisition</i> | <i>Year of Award</i> | <i>Villages</i> | <i>Kind of Land</i> | <i>Price</i> | <i>Total</i> |
|-----------------|--|----------------------|-----------------|-------------------------------------|--------------------------------------|-------------------------------------|
| <i>Ex.P-7</i> | <i>Hydroelectric Project</i> | <i>1978-79</i> | <i>Deodhar</i> | <i>Banjar</i> | <i>Rs.3000/- per acre</i> | <i>307K-1M</i> |
| <i>Ex.P-9</i> | <i>Hydroelectric Project</i> | <i>1978-79</i> | <i>Begumpur</i> | <i>Barani</i> <i>Gair Mumkin</i> | <i>Rs.5000/-</i> <i>Rs.2400/-</i> | <i>37.39 Acre</i> <i>172K-1M</i> |
| <i>Ex.P-10</i> | <i>Construction of road from BKD Road to Ismailpur</i> | <i>1979</i> | <i>Begumpur</i> | <i>Chahi</i> <i>Barani</i> | <i>Rs.5900/-</i> <i>Rs.3920/-</i> | <i>1M</i> <i>2M</i> |
| <i>Ex.P-11</i> | <i>Hydroelectric Project</i> | <i>1980-81</i> | <i>Begumpur</i> | <i>Gair Mumkin</i> | <i>Rs.2750/-</i> | <i>487K-10M</i> |
| <i>Ex.P-12</i> | <i>Hydroelectric Project</i> | <i>1980-81</i> | <i>Begumpur</i> | <i>Gair Mumkin</i> | <i>Rs.2750/-</i> | <i>8-0M</i> |

[6.1]. On the other hand, the respondents examined one Naresh Kumar, Demarcation Supervisor, from the office of D.F.O. Yamuna Nagar and tendered copies of sale deeds Ex.R-1 to Ex.R-4.



RFA Nos.1198 of 1998 (O&M)
WITH OTHER CONNECTED CASES

[7]. After appreciating the evidence led by the parties, the learned Reference held that sale deeds Ex.P-2 to Ex.P-6 which were relied upon by the appellants could not form basis for determining price of the land as the same pertained to small parcels of land. Further, the sale deeds Ex.R-1 to Ex.R-4 were rejected by the learned Reference Court on the ground that neither the vendors nor the vendees of these sale deeds were examined to prove those transactions. However, the learned Reference Court enhanced the compensation to Rs.2500/- per acre for *gair mumkin land*.

Aggrieved of the aforementioned Award dated 12.02.1998, the present Regular First Appeals (RFAs) were filed by the appellants/landowners as well as by the State.

[8]. Impugning the aforementioned Award, learned counsel for the appellant/landowner submits that the learned Reference Court while making assessment of market value, failed to rely upon the Awards Ex.P-7 and Ex.P-8 to Ex.P-12 passed by the LAC which were relating to acquisition of land pertaining to revenue estates of Villages Deodhar and Begumpur. Learned counsel points out that both the revenue estates are abutting the revenue estate of Village Muzahadwala of which the present acquisition proceedings relate to. He thus submits that while relying upon the Award Ex.P-10 whereby, the market value with respect to date of Notification dated 09.05.1972 issued under Section 4 of the 1894 Act was assessed as Rs.5900/- per acre for *Chahi* land and Rs.3920/-per acre for *Barani* land, the assessment should have been made in the present case by granting appropriate escalation thereupon for the period of difference between the



RFA Nos.1198 of 1998 (O&M)
WITH OTHER CONNECTED CASES

two notifications i.e. 09.05.1972 and 03.11.1980. He thus submits that Award passed by the learned Reference Court was liable to be modified accordingly.

[9]. On the other hand, learned counsel for respondent-State submits that once the sale deeds Ex.R-1 to Ex.R-4 relating to the same revenue estate i.e. Village Muzahadwala were produced on record by the respondents, the Awards Ex.P-7 and Ex.P-8 to Ex.P-12 which were passed by the LAC and were relating to the acquisition of different revenue estates were not to be relied upon. Learned State counsel further points out that the sale instances Ex.R-1 to Ex.R-4 were discarded by the learned Reference Court only for the reason that the vendors and vendees thereof were not examined. In this regard he submits that as per Section 51-A of the 1894 Act, the certified copies of the sale instances Ex.R-1 to Ex.R-4 were to be relied upon as part of admissible evidence.

[9.1]. Learned State counsel also submits that as per sale deeds Ex.R-1 to Ex.R-4, the sale price of the acquired land as on the date of notification was around Rs.300/- to Rs.416/- whereas, the LAC had already awarded market value @ Rs.475/- per acre for *Gair Mumkin* land and Rs.248/- per acre for plants. He thus submits that Award passed by learned Reference Court was liable to be set aside and that of LAC was to be restored.

[10]. 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 appellant(s)/landowner(s)

[11]. Perusal of records shows that the sale instances proved on record by the respondents in the form of Ex.R-1 to Ex.R-4 related to the revenue estate of village Muzahadwala and the highest sale price per acre was Rs.416/- per acre



RFA Nos.1198 of 1998 (O&M)
WITH OTHER CONNECTED CASES

(Ex.R-4). Further, perusal of Award dated 21.05.1984 passed by the LAC in exercise of powers under Section 11 of the 1894 Act, shows that the market value of the acquired land was assessed @ Rs.475/- per acre for Gair Mumkin land while relying upon collector rate of the area. Thus, once the sale instance, Ex.R-1 to Ex.R-4 were executed for the lessor value than the collector rate of the area concerned; the same were not to be termed as *bona fide* transactions and accordingly not to be relied upon for the purpose of assessment of market value in relation to the present acquisition.

[12]. Further, on instructions from officer concerned, who is present in-person, it has not been disputed by the learned State counsel that the revenue estates of village Deodhar and Muzahadwala are adjoining and abutting. The acquisition in the present case relates to the revenue estate of village Muzahadwala. The appellants/landowners have placed on record Ex.P-7 i.e. the Award dated 11.11.1978 of the Land Acquisition Collector, Public Works (I&P) Department, Ambala City passed in exercise of powers under Section 11 of the 1894 Act with respect to the acquired land forming part of the revenue estate of village Deodhar. Said land was sought to be acquired vide Notification dated 20.06.1978 issued under Section 4 of the 1894 Act and the market value was assessed @ Rs.3,000/- per acre for *Banjar Kadim* land.

[13]. In such circumstances, the revenue estates of village Deodhar and Muzahadwala being adjoining and abutting, the determination of market value made by the Land Acquisition Collector with respect to the revenue estate of village Deodhar in relation to the big chunk of land measuring 307 Kanals 1 Marla, acquired vide Notification dated 20.06.1978 issued under Section 4 of the 1894



RFA Nos.1198 of 1998 (O&M)
WITH OTHER CONNECTED CASES

Act being relevant and proximate in terms of time period, was to be relied upon. In view of the fact that there was a difference of around 29 months between the Notification dated 20.06.1978 issued under Section 4 of the 1894 Act in relation to Award Ex.P-7 and the Notification dated 03.11.1980 issued under Section 4 of the 1894 Act in the present acquisition; while placing reliance upon *Pehlad Ram and others vs. Haryana Urban Development Authority and others, 2014(14) SCC 778*, a cumulative increase @ 10% per annum needs to be awarded in favour of the landowners for the period of difference between the two notifications. The relevant paragraph No.15 of the said judgment is reproduced hereunder:-

“15. It is also evident from the law referred to hereinabove that a cumulative increase of 10 to 15 per cent per year in the market value of the land may be accepted unless the State agencies or acquiring authority prove otherwise.”

[14]. Accordingly, the market value in the present case is assessed @ Rs.3810/- per acre for the acquired land, along with all other statutory benefits along with interest as provided under the provisions of the 1894 Act (amended upto date). The landowners shall also be entitled for solatium @ 30% besides award of interest thereupon as well.

[15]. Consequently, in view of the discussion made herein above, the appeals preferred at the instance of appellant(s)-landowner(s) are hereby partly allowed in the aforesaid terms and the appeals filed by the State of Haryana are, thus dismissed.

[16]. Further, in case of unfortunate demise of any of the appellants/landowners, if the legal heirs-legal representative(s) have not been brought on record, they shall be entitled for filing exemption applications in their

2025:PHHC:129549



RFA Nos.1198 of 1998 (O&M)
WITH OTHER CONNECTED CASES

own names being legal heirs or legal representatives of the deceased landowners;
subject to of course any testamentary document created by the deceased.

[17]. All pending application(s), if any, shall also stand disposed of.

(HARKESH MANUJA)
JUDGE

September 17, 2025

Atik/Tejwinder

Whether speaking/reasoned Yes/No
Whether reportable Yes/No

| Sr.No. | Case Number |
|--------|---------------------|
| 1 | RFA-1478-1998 (O&M) |
| 2 | RFA-1479-1998 (O&M) |
| 3 | RFA-1905-1998 (O&M) |
| 4 | RFA-1906-1998 (O&M) |
| 5 | RFA-1943-1998 (O&M) |
| 6 | RFA-1944-1998 (O&M) |
| 7 | RFA-2075-1998 (O&M) |
| 8 | RFA-3449-1998 (O&M) |
| 9 | RFA-3450-1998 (O&M) |
| 10 | RFA-3509-1998 (O&M) |
| 11 | RFA-3510-1998 (O&M) |
| 12 | RFA-3511-1998 (O&M) |
| 13 | RFA-1907-1998 (O&M) |
| 14 | RFA-2505-1999 (O&M) |
| 15 | RFA-2506-1999 (O&M) |
| 16 | RFA-2507-1999 (O&M) |
| 17 | RFA-2508-1999 (O&M) |
| 18 | RFA-2509-1999 (O&M) |
| 19 | RFA-2510-1999 (O&M) |
| 20 | RFA-3666-1999 (O&M) |
| 21 | RFA-3667-1999 (O&M) |
| 22 | RFA-3668-1999 (O&M) |
| 23 | RFA-3669-1999 (O&M) |
| 24 | RFA-3670-1999 (O&M) |
| 25 | RFA-3671-1999 (O&M) |
| 26 | RFA-3672-1999 (O&M) |

(HARKESH MANUJA)
JUDGE

September 17, 2025

Atik/Tejwinder