

2025:PHHC:136092



147 IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

RFA-1303-2021 (O&M)  
Decided on:-26.09.2025

Sukhwinder Kaur

.....Appellant....

vs.

State of Haryana thr. Collector, Kurukshetra  
and others

.....Respondents....

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Parveen Chauhan, Advocate,  
for the appellant(s)/landowner(s).

Mr. Abhinash Jain, DAG, Haryana.

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**HARKESH MANUJA J. (Oral)**

**CM-5665-CI-2021 in RFA-2477-2021**  
**CM-5886-CI-2021 in RFA-2612-2021**  
**CM-5867-CI-2021 in RFA-2601-2021**  
**CM-5677-CI-2021 in RFA-2486-2021**  
**CM-5678-CI-2021 in RFA-2492-2021**  
**CM-262-CI-2022 in RFA-137-2022**  
**CM-5694-CI-2021 in RFA-2503-2021**  
**CM-5697-CI-2021 in RFA-2506-2021**  
**CM-5859-CI-2021 in RFA-2597-2021**  
**CM-6057-CI-2021 in RFA-2684-2021**  
**CM-284-CI-2022 in RFA-153-2022**

Prayer in the aforementioned applications is for bringing on  
record the legal representatives of applicants.

Notice of the applications.

Mr. Abhinash Jain, DAG, Haryana, accepts notice on behalf  
of State of Haryana and raises no objection to the prayer made in the  
aforementioned applications.

Having heard learned counsel for the parties and gone through the contents of the applications, prayer made therein are allowed and the persons mentioned in para 2 or 3 of the respective applications are ordered to be impleaded as the legal representatives of the deceased-appellants in the respective appeals to pursue the same

**Main case**

1. Vide this common judgment, the batch of total 36 connected Regular First Appeals are being decided as all have arisen out of the same award. The details of the connected cases are given in the footnote of the judgment.

1.2 For convenience, the facts are being taken from ***RFA-1303-2021 (O&M)***.

2. By way of present appeal, challenge has been laid to an award dated 17.01.2020 passed by the learned Additional District Judge, Kurukshetra (for short, "*Reference Court*"), whereby, reference petition(s) preferred at the instance of appellants-landowners invoking Section 18 of the Land Acquisition Act, 1894 (***for brevity, "1894 Act"***), were partly allowed.

3. Brief facts of the case are that some land owned by the appellants-landowners, situated in the revenue estate of Village Murtzapur, Hadbast No.48, Tehsil Pehowa, District Kurukshetra alongwith land of others was sought to be acquired vide notifications dated 22.04.2011 and 08.06.2011, issued under Sections 4 & 6 respectively of the 1894 Act, for the public purpose, namely, construction of Bibi Pur Lake from Escape SYL, Narwana Branch Canal to Saraswati Drain Head RD 0 to 52700. The Land Acquisition Collector vide its award dated 26.09.2011, assessed the

market value of the acquired land at the rate of Rs.15,00,000/- per acre.

4. Aggrieved of the award passed by the Land Acquisition Collector, the appellants-landowners invoked separate reference petition(s) under Section 18 of the 1894 Act, seeking enhancement of compensation. Upon consideration of the material available on record, the Reference Court vide its award dated 17.01.2020, enhanced the market value to Rs.18,00,000/- per acre besides granting all other statutory benefits including interest, solatium etc.

5. Feeling dissatisfied with the aforesaid award passed by the ld.Reference Court, the landowners as well as State of Haryana preferred appeals, details whereof are mentioned in the footnote of the judgment.

6. Impugning the aforementioned award dated 17.01.2020, learned counsel for the appellants-landowners submits that the ld. Reference Court rightly placed reliance upon the sale instance dated 19.06.2006 (Ex.P1), pertaining to the same revenue estate of village Murtzapur, Tehsil Pehowa, District Kurukshetra, whereby 13 kanals 16 marlas of land forming part of rectangle No.106 was sold for Rs.49,87,500/- and the market price per acre was Rs.30,00,000/-. However, he contends that no enhancement over the sale price was granted for the difference of period between the sale instance i.e. 19.06.2006 (Ex.P-1) till the date of issuance of notification under Section 4 of the 1894 Act in the present case i.e. 22.04.2011.

6.1 Learned counsel submits that as per the records, the land under acquisition is just 5 acres away from abadi deh of village Murtzapur, as such, an appreciation @ 12% per annum was atleast required to be awarded. He thus, submits that the determination made by the ld. Reference Court was

required to be re-assessed in view of the aforesaid submissions.

7. On the other hand, learned counsel appearing on behalf of the respondent-State submits that the Id. Reference Court went wrong having relied upon the sale instance dated 19.06.2006 (Ex.P-1). He contends that there was no similarity between the geographical location of land under acquisition as compared to the land forming part of sale instance (Ex.P1). Learned State counsel argues that the land comprised in sale deed dated 19.06.2006 abutts the State Highway leading from Kurukshetra to Pehowa, whereas, the land under acquisition is situated at a distance of around 30 acres from that place. He thus, submits that the sale instance (Ex.P-1) was not to be relied upon as a sale exemplar.

7.1 Learned counsel also submits that even sale instances in the form of Ex.R-1 and Ex.R-3 dated 02.12.2011 were wrongly discarded by the Id. Reference Court and thus, prays for dismissal of appeals preferred at the instance of appellants-landowners.

8. 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-landowners.

9. As per the records, the sale instance dated 19.06.2006 (Ex.P-1) relates to the same revenue estate of village Murtzapur of which the land under acquisition forms part of. No evidence has been produced from the side of the respondent-State to establish that the sale deed Ex.P-1 was not a bonafide or genuine transaction. The sale instance Ex.P1 even pertains to relatively large area measuring 13 kanal 06 marlas been sold for Rs.49,87,500/-. Thus, in the humble opinion of this Court, no error can be

found with the reliance being placed upon by the Id. Reference Court on the sale instance Ex.P-1 for the purpose of making assessment/determination of market value of the land under acquisition. On the other hand, once the sale instances for the period prior to notification under Section 4 of the 1894 Act were available on record, the sale instances produced by respondents which were post notification were rightly discarded by the Id. Reference Court.

10. In the present facts, the land of the appellants-landowners has been acquired for the purpose of digging of drain in Bibipur Lake from Escape SYL, narwana Branch Canal to Saraswati Drain Head from RD 0 to 52700 and the total area acquired within the revenue estate of village Murtzapur is 12.41 acres. Thus, while applying the development cut on the sale price per acre determined in terms of sale exemplar Ex.P1, the purpose of acquisition, wherein, the respondent-State did not suffer any damage on account of wastage of land or any extra cost towards infrastructural development of civic amenities like roads, parks, green belts or community buildings and the sale instance Ex.P-1 being comparatively of large area measuring 13 kanals 6 marlas needs to be kept in mind. However, keeping in view the fact that the land forming part of sale instance (Ex.P-1) is abutting the State Highway, whereas, the land under acquisition is situated at a distance of around 30 acres therefrom, development cut of 40% has been applied by the Id. Reference Court upon the sale price of sale instance Ex.P-1, which appears to be justified.

10.1 Equally important, the Id. Reference Court has failed to appreciate that the land under acquisition is just adjoining the *abadi deh* of village Murtzapur, being situated at a distance of only 5 acres therefrom,

thus, an appropriate increase @ 12% per annum over the sale price under sale exemplar (Ex.P1) was required to be granted in favour of the landowners w.e.f. the date of sale instance (Ex.P1) i.e. 19.06.2006 till the date of issuance of notification under Section 4 of the 1894 Act in the present case i.e. 22.04.2011.

11. Accordingly, in the light of discussion made herein above, after applying appreciation @ 12% per annum w.e.f. 19.06.2006 till 22.04.2011 , the sale price per acre comes Rs.47,40,000/-. After making deduction of 40% thereupon, the market price as on the date of notification under Section 4 of the 1894 Act in the present case is reassessed @ Rs.28,44,000/- per acre. In addition, the landowners shall also be entitled for all other statutory benefits and interest as provided under the 1894 Act (Amended upto-date).

12. In view of the aforesaid discussion, the appeals filed at the instance of landowners are partly allowed, whereas, the appeals filed at the instance of State are hereby dismissed.

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

14. Pending application, if any, also stands disposed of.

26.09.2025  
sonika

**(HARKESH MANUJA)**  
**JUDGE**

Whether speaking/reasoned:  
Whether reportable:

Yes/No  
Yes/ No

| <b>Sr. No.</b> | <b>Case No.</b>     |
|----------------|---------------------|
| 1.             | RFA-1303-2021       |
| 2.             | RFA-2438-2021 (O&M) |
| 3.             | RFA-2477-2021(O&M   |
| 4.             | RFA-2483-2021 (O&M) |
| 5.             | RFA-2486-2021 (O&M) |
| 6.             | RFA-2490-2021 (O&M) |
| 7.             | RFA-2492-2021 (O&M) |
| 8.             | RFA-2493-2021 (O&M) |
| 9.             | RFA-137-2022 (O&M)  |
| 10.            | RFA-2503-2021 (O&M) |
| 11.            | RFA-2506-2021(O&M)  |
| 12             | RFA-2597-2021 (O&M) |
| 13             | RFA-2601-2021 (O&M) |
| 14             | RFA-2612-2021 (O&M) |
| 15             | RFA-2684-2021 (O&M) |
| 16             | RFA-153-2022 (O&M)  |
| 17             | RFA-2260-2021 (O&M) |
| 18             | RFA-1619-2021 (O&M) |
| 19             | RFA-1622-2021 (O&M) |
| 20             | RFA-1630-2021 (O&M) |
| 21             | RFA-1632-2021 (O&M) |
| 22             | RFA-1633-2021(O&M)  |
| 23             | RFA-1639-2021 (O&M) |
| 24             | RFA-1645-2021 (O&M) |
| 25             | RFA-1648-2021 (O&M) |
| 26             | RFA-1649-2021 (O&M) |
| 27             | RFA-1653-2021 (O&M) |
| 28             | RFA-1654-2021 (O&M) |
| 29             | RFA-1660-2021 (O&M) |
| 30             | RFA-1669-2021 (O&M) |
| 31             | RFA-1711-2021 (O&M) |
| 32             | RFA-1719-2021 (O&M) |
| 33             | RFA-1725-2021 (O&M) |
| 34             | RFA-1749-2021 (O&M) |
| 35             | RFA-1618-2021 (O&M) |
| 36             | RFA-2527-2021 (O&M) |

26.09.2025

sonika

**(HARKESH MANUJA)**  
**JUDGE**