



**RFA-7223-2013(O&M)  
and other connected cases**

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

**RFA-7223-2013(O&M)  
and other connected cases  
Date of decision: 10.03.2025**

**Dalel Singh and others**

**..Appellants**

**Versus**

**State of Haryana and others**

**..Respondents**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Sandeep Sharma, Advocate for landowners  
in RFA-7223-2013, 2591-2019 and 4449-2013

Ms. Neelam Chaudhary, Advocate for  
Mr. Rajiv Kataria, Advocate for the landowners  
in RFA-1947-2017 and 2692-2017

Mr. Amit Jain, Advocate for the appellants  
in RFA-4804, 4805 of 2014 and RFA-64-2020

Mr. Aditya Jain, Advocate for landowners  
in RFA-6452-2015, 4989, 5016, 6121, 9754 of 2014, 554-2015  
and RFA-2004-2016

Ms. Safia Gupta, AAG, Haryana

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**ANIL KSHETARPAL, J. (Oral)**

**1. Preface:-**

1.1 A batch of 37 connected Regular First Appeals (details whereof are given at the foot of the judgment) shall stand disposed of by this common order with the consent of learned counsel representing the parties.

1.2 This Court has examined the record with the assistance of the learned counsel representing the State.



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1.3 The relevant details of the acquisition are as under:-

27.11.2003	Notification under Section 4 of the Land Acquisition Act, 1894
24.11.2004	Notification under Section 6 of the Land Acquisition Act, 1894 was published.
22.11.2006	The Land Acquisition Collector offered to pay Rs.15,00,000/- per acre for the acquired land located in Village Tikri (85.68 acres), Fazilpur Jharsa (0.5375 acres) and Village Islampur (62.65 acres)

**2. Brief facts:-**

2.1 The acquisition for development and utilization of the land for Sector 48, Gurugram, which is a residential, commercial and institutional sector. The following awards have been passed by the Reference Court (hereinafter referred to as 'RC'):-

<b>Village Tikri</b>	
13.08.2019	Rs. 50,37,000/- per acre
25.03.2013	Rs.50,37,000/- per acre
09.01.2015	Rs.50,37,000/- per acre
19.05.2015	Rs.50,37,000/- per acre
12.12.2016	Rs.50,37,000/- per acre
<b>Village Islampur</b>	
26.02.2014	Rs.65,04,240/- per acre
30.05.2014	Rs.65,04,240/- per acre
05.12.2014	Rs.65,04,240/- per acre
15.12.2016	Rs.50,37,000/- per acre
<b>Village Fazilpur Jharsa</b>	
19.10.2015	Rs.65,04,240/- per acre

2.2 The landowners claim that the market value of the acquired land was not less than Rs.30,000/- per square yards as the acquired land is situated only 2 kms away from the Municipal Limits and surrounded in the north by Wedding Mall, in the south and in the west there is huge residential



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colony of Central Park. Towards East side of the acquired land, Orchard Builders have developed the area. The State of Haryana claims that the award passed by the Land Acquisition Collector (hereinafter referred to as 'LAC') LAC was correct.

2.3 In various batches, the landowners have examined the following witnesses:-

**Village Tikri**

**Award dated 13.08.2019**

PW1 Pritam, petitioner

**Documentary evidence**

Ex.PW1/A affidavit of petitioner  
 Ex.P1 Attested copy of secondary examination  
 Ex.P2 Certified copy of Award dated 25.3.2013 passed in LA case no.660 of 2010 titled as Bhuru Singh vs. State of Haryana & ors by the court of Sh.Lal Chand, the then Additional District Judge, Gurugram  
 Mark A Photocopy of cheque no.179796 dated 27.12.2011 of Rs.18,26,782/- in the name of petitioner Pritam qua compensation of acquired land.

**Award dated 25.03.2013**

PW1 Amit

**Documentary evidence**

Ex.P1 Sale deed no.10916 dated 13.11.2003  
 Ex.P2 Sale deed no.9997 dated 27.10.2003  
 Ex.P3 Sale deed no. 12053 dated 8.12.2003  
 Ex.P4 Sale deed no.15129 dated 20.10.2004  
 Ex.P5 Site plan

**Award dated 09.01.2015**

PW1 Petition himself

**Documentary evidence**

Ex.P1 Copy of award dated 25.3.2013

**Award dated 19.05.2015)(Documentary evidence)**

Ex.P1 Copy of judgement  
 Ex.P2 Statement no.19  
 Ex.P3 copy of award  
 Ex.P4 Jamabandi



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Ex.P5 to Ex.P9 Mutations

**Award dated 12.12.2016**

PW1 Pardeep Kumar, petitioner

**Documentary evidence**

Ex.PW1/A Affidavit of Pardeep Kumar  
Ex.PA Award dated 25.3.2013  
Ex.PB Award dated 28.5.2015

**Village Islampur**

**Award dated 26.02.2014**

PW1 Dhanna Singh, Draftsman from office of DTP,  
Gurgaon  
PW2 Kanshi Ram Dahiya, Draftsman  
PW3 Vinod Kumar, Halqa Patwari  
PW4 Ishwar Singh

**Documentary evidence**

Ex.P1 Gurgaon Manesar Urban Complex-2021 AD  
Ex.P2 Certified copy of Award dated 17.04.2013  
Ex.P3 Certified copy of Award dated 27.07.2012  
Ex.P4 Certified copy of Award dated 08.01.2013  
Ex.P5 Certified copy of Award dated 30.11.2012  
Ex.P6 Certified copy of Award dated 25.03.2013  
Ex.P7 to Ex.P10 Certified copy of sale deeds  
& Ex.P12  
Ex.P11 Copy of Aks Shijra  
Ex.P13 Jamabandi for the year 2000-2001  
Ex.P14 No such document  
Ex.P15 Certified copy of Award dated 19.12.2013  
Ex.P16 Revised Development Plan for controlled area I to  
IV  
Ex.P17 Rate List of Tehsil Gurgaon for the year 2013-14

**Award dated 30.05.2014**

Ex.P1 Copy of award in LAC case titled as  
'Sunil Dutt vs. State of Haryana.

**Award dated 05.12.2014**

PW1 Sardare

**Documentary evidence**

Ex.PW1/A Affidavit of Sardare  
Ex.P1 Jamabandi  
Ex.P2 Jamabandi



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Ex.P3 Copy of Award dated 26.02.2014  
Ex.P4 Copy of Award dated 26.03.2014

**Award dated 15.12.2016**

PW1 Mangi Lal Dugar, Director, M/s Atulya Estate Pvt. Ltd.

**Documentary evidence**

Ex.P1 Copy of Memorandum of Articles and Association  
Ex.P2 Certificate of Incorporation of petitioner company  
Ex.P3 Copy of resolution  
Ex.P4to Ex.P7 Copies of mutations No.1925 to 1928  
Ex.P8 Copy of site plan  
Ex.P9 Certified copy of sale deed  
Ex.P10 Certified copy of sale deed

**Village Fazilpur Jharsa**

**Award dated 19.10.2015**

PW1 Ashok Kumar, Asstt. Registration Clerk,  
office of Sub Registrar, Gurgaon  
PW2 Narender Kumar, Tracer, office of District &  
Town Planner, Gurgaon  
PW3 Vipin Jain, GPA of petitioners

**Documentary evidence**

Ex.P1 to P17 Sale deeds  
Ex.P18 to Ex.P21 layout plans  
Ex.P22 Copy of award dated 31.8.2022  
Ex.PX Copy of award dated 226.2.2014

**3. Evidences Adduced:-**

3.1 The landowners have produced the following sale deeds:-

Sr. No.	Exh.	Vasika No.	Date	Land area		Total sale consideration	Rate per acre	Revenue estate
				K	M			
1.	P1	10916	13.11.2003	10	0	87,51,250/-	70,25,000/-	Tikri
2.	P2	9997	27.10.2003	48	7	4,24,79,300/-	70,28,633/-	Tikri
3.	P3	12053	8.12.2003	19	15	1,86,00,860	75,34,525/-	Tikri
4.	P4	15129	20.10.2004	11	16	2,50,00,000	1,69,49,152	Tikri



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3.2 On the other hand, the State has relied upon the following sale deeds:-

Sr.No.	Exhibit	Sale deed dated and no.	Area	Consideration	Village	Per acre value
1.	Ex.R1	02.08.1995 7655	19 Biswa	3,72,000/-	Tikri	6,26,526/-
2.	Ex.R2	04.08.1995 7888	1 Bigha	4,00,000/-	Tikri	6,40,000/-
3.	Ex.R3	08.08.1995 8190	1 Bigha	4,00,000/-	Tikri	6,40,000/-

**4. Discussion & Analysis**

4.1 Learned State counsel has produced a copy of the layout plan marking the location of the acquired land and the sale deeds produced by the landowners. A perusal of the layout plan proves that in Village Tikri, the acquired land is located in Rect. No.1 whereas the sale instance Ex.P-2 is out of the land comprised in Rect. no.6. As per layout plan, the distance between sale instance Ex.P-2 and the acquired land is hardly 6 acres. Similarly, the sale instance Ex.P1 is at a distance of 9 acres from the acquired land. Both these sale instances are with respect to sale of land few days before the notification under Section 4 of the 1894 Act was issued. The sale deeds produced by the State pertain to the year 1995. The RC has correctly refused to rely upon the State's sale deeds. However, the RC has imposed cut of 20% for development and 10% due to small size of the property sold through sale instances Ex.P1, Ex.P2 and Ex.P3.

4.2 It is evident that sale instance Ex.P2 is with respect to more than 6 acres of land. This sale instance is not of a small area. Total area sold through sale deed Ex.P2 is  $(4840 \times 6 + 30.25 \times 7 = 29251.75 \text{ sq. yards})$  Moreover, the landowners are to be paid the amount for the undeveloped



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land. Sale instance Ex.P2 is not from the developed area. That sale deed is also with respect to undeveloped area. Hence, Ex.P2 is appropriate sale instance for assessing the market value of the acquired land. Consequently, there was no justification in applying cut either for development or due to limited size of the area being sold.

**5. Decision:-**

5.1 Keeping in view the aforesaid facts and discussion, the appeals filed by the State of Haryana are dismissed whereas the appeals filed by the landowners shall stand allowed. The market value of the acquired land is assessed at the rate of Rs.70,28,633/- per acre, which is rounded off to Rs.70,28,650/- per acre alongwith all statutory benefits of the amended 1894 Act.

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

**(ANIL KSHETARPAL)  
JUDGE**

**10.03.2025**

*rekha*

*Whether speaking/reasoned*

*Whether reportable*

*Yes/No*

*Yes/No*

Sr. No.	Case No.	Appellant(s)	Respondent(s)
1.	RFA-7223-2013	DALEL SINGH & ORS	STATE OF HARYANA & ORS
2.	RFA-3092-2015	STATE OF HARYANA AND ANR	VINOD CHOPRA AND ANR
3.	RFA-2591-2019	VINOD CHOPRA	STATE OF HARYANA AND OTHERS
4.	RFA-6452-2015	MAHENDER & ORS	STATE OF HARYANA & ORS
5.	RFA-4804-2014	ISHWAR SINGH AND ORS	STATE OF HARYANA AND ORS
6.	RFA-4449-	BHURIA RAM	STATE OF HARYANA



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	2013		AND ORS
7.	RFA-4805-2014	ISHWAR SINGH AND ORS	STATE OF HARYANA AND ORS
8.	RFA-4989-2014	KHAZANI DEVI AND ORS	STATE OF HARYANA & ORS
9.	RFA-5016-2014	ROHTASH & ORS	STATE OF HARYANA & ORS
10.	RFA-6121-2014	GYAN DEVI AND ORS	STATE OF HARYANA & ORS
11.	RFA-7984-2014	STATE OF HARYANA AND ANR	SUNIL DUTT AND ORS
12.	RFA-7985-2014	STATE OF HARYANA AND ANR	DHANNO AND ORS
13.	RFA-7986-2014	STATE OF HARYANA AND ANR	SUBE SINGH AND ORS
14.	RFA-7987-2014	STATE OF HARYANA AND ANR	ROHTASH AND ORS
15.	RFA-7988-2014	STATE OF HARYANA AND ANR	PREM DEVI AND ORS
16.	RFA-7989-2014	STATE OF HARYANA AND ANR	RAJBIR AND ANR
17.	RFA-7990-2014	STATE OF HARYANA AND ANR	KARAN SINGH AND ORS
18.	RFA-7991-2014	STATE OF HARYANA AND ANR	GOPI CHAND AND ORS
19.	RFA-7992-2014	STATE OF HARYANA AND ANR	NARENDER KUMAR
20.	RFA-7993-2014	STATE OF HARYANA AND ANR	MANGE RAM AND ORS
21.	RFA-7994-2014	STATE OF HARYANA AND ANR	PHOOL SINGH AND ORS
22.	RFA-7995-2014	STATE OF HARYANA AND ANR	SUBE AND ANR
23.	RFA-7996-2014	STATE OF HARYANA AND ANR	ROHTASH AND ORS
24.	RFA-7997-2014	STATE OF HARYANA AND ANR	TARA CHAND AND ORS
25.	RFA-7998-2014	STATE OF HARYANA AND ANR	DHANNO AND ORS
26.	RFA-7999-2014	STATE OF HARYANA AND ANR	ISHWAR SINGH AND ORS
27.	RFA-8000-2014	STATE OF HARYANA AND ANR	ISHWAR SINGH AND ORS
28.	RFA-8032-	STATE OF HARYANA	KRISHNA AND ORS



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	2014	AND ANR	
29.	RFA-9754-2014	SUBH RAM AND ANR.	STATE OF HARYANA AND ORS.
30.	RFA-1111-2015	STATE OF HARYANA AND ANR	SUBH RAM AND ORS
31.	RFA-554-2015	RAJINDER AND ORS	STATE OF HARYANA & ORS
32.	RFA-2125-2015	STATE OF HARYANA AND ANR	RAJINDER AND ORS
33.	RFA-1947-2017	STATE OF HARYANA THROUGH THE LAND ACQUISITION COLLECTOR, , GURGAON AND ANR	ATULYA ESTATE PVT. LTD AND ANR
34.	RFA-2692-2017	ATULYA ESTATES PVT LTD	STATE OF HARYANA & ORS
35.	RFA-2004-2016	DHARAMPAL & ORS	STATE OF HARYANA & ORS
36.	RFA-3319-2016	STATE OF HARYANA THROUGH COLLECTOR GURGAON AND ANR	DHARAM PAL & OTHERS
37.	RFA-64-2020	PRITAM	STATE OF HARYANA AND ORS

**10.03.2025**  
*rekha*

**(ANIL KSHETARPAL)**  
**JUDGE**