

RFA-2644/2009 (O&M) & other connected cases [1]

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104 (33 cases)

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

**Date of Decision: 22.08.2025
RFA No.2644 of 2009 (O&M)**

Ramotar Yadav and ors.

.....Appellants

Versus

State of Haryana & ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Sh. Ajay Jain, Advocate and
Sh. Tarun Yadav, Advocate
for the appellants/landowners.
Mr. Abhinash Jain, DAG, Haryana

HARKESH MANUJA, J. (ORAL)

Vide this common order, a bunch of 33 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 convenience, facts are being culled out from RFA No.2644 -2009.

2. By way of filing the present appeal(s) challenge has been laid to the decision dated 27.08.2008 passed by learned Additional District Judge, Narnaul-cum-Reference Court.

3. Brief facts of the case are that land measuring 41.76 acres situated within revenue estate of Village Buchakpur, Hadbast No. 160, Tehsil Narnaul, District Mahendergarh was sought to be acquired vide Govt. Notification dated 21.7.1998 issued under

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Section 4 of Land Acquisition Act, 1894 (for short 'the Act'), followed by notification dated 16.7.1999 issued Section 6 thereof, for public purpose, namely, development and utilization of land as Sector-1 Part, Narnaul. The Land Acquisition Collector (for short 'LAC'), after considering the location and potentiality of the acquired land, assessed the market value of the acquired land @ Rs.2,00,000/- per acre along with all other statutory benefits vide award dated 13.7.2001.

3. Feeling aggrieved, the landowners filed reference petitions under Section 18 of the Act pleading that the compensation assessed by the LAC was inadequate in view of prevailing market value. It has been further pleaded that the land in question is adjacent to Sector-1 which is already developed in all respects been planned as residential-cum-commercial locality of Narnaul City. Furthermore, it has been asserted that the land in question is situated about 300 sq. yards away from the Highway and near the Canal Colony; thus having greater potential.

4. The Reference Court, after examining and taking into consideration all the material available on record, vide order dated 27.08.2008 awarded/enhanced the compensation @ Rs. 190/- per square yards alongwith all other statutory benefits as available under Section 23(1-A), Section 23(2) and Section 28 of the Act.

5. Seeking further enhancement, the landowners/appellants

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preferred present appeals, while the respondent-State being dissatisfied with the award passed by the learned Reference Court, also preferred appeals.

6. Impugning the aforementioned Award, learned Counsel appearing for the appellants submits that the revenue estate of Village Buchakpur and Narnaul are abutting and adjoining and therefore, similar market value should have been awarded for both the revenue estates. Learned counsel further submits that with respect to the revenue estate of Village Narnaul, which has been acquired vide same notification dated 21.07.1998, issued under Section 4 of the Act and for the same purpose, this Court has assessed compensation at the uniform rate of Rs.386/- per sq. yards and thus the same compensation should be awarded in favour of landowners of the revenue Estate of Village Buchakpur as well. Learned counsel for the appellants also refers to paragraphs No.39 and 40 of the Reference Court Award to submit that the factum of land under acquisition pertaining to the revenue estate of Village Buchakpur being of potential and locational advantage has even been acknowledged and thus the market value assessed by the learned Reference Court be enhanced.

7. On the other hand, learned State counsel submits that no interference was called for with the market value assessed by the learned Reference Court for the revenue estate of Village Buchakpur.



He submits that the revenue estate of Village Narnaul which forms part of notification dated 21.07.1998 issued under Section 4 of the Act was just abutting the already developed Sector 1, Narnaul and as such the land situated within the revenue estate of Village Buchakpur, which is the subject matter of present acquisition could not be equated for the purpose of assessment of market value as similar to that of Village Narnaul. Learned State counsel also submits that once the sale exemplar in the form of Ex.P8 dated 19.11.1999 was available on record which pertains to the revenue estate of Village Buchakpur only, the same cannot be relied upon being post-notification and therefore, the amount awarded by the LAC is to be upheld and the impugned judgment by the learned Reference Court be set aside.

8. I have heard learned counsel for the parties and gone through the paper-book(s). I find substance in the submissions made on behalf of the appellants/ landowners.

9. A perusal of the award passed by the learned Reference Court clearly establishes the fact that the land under acquisition forming part of revenue estate of Village Buchakpur is situated near developed residential colonies and is also adjoining Narnaul-Mahendergarh Road and as such is having locational advantage besides having potential value as well. Relevant paragraphs 39 & 40 of the Reference Court award in this regard, are extracted



hereunder:-

- “39. *There are other factors which proves that the valuation done by the Land Acquisition Collector is meager. The land is situated near already developed residential colonies of Narnaul. Sh. Devender Kumar Patwari. Shiv Colony and Moti Nagar are situated adjacent to the land acquired for Sector-1 part-1 as admitted by RW1 Thus the acquired land is potential for residential and commercial There are two highways near the acquired land namely Narnaul-Mahendergarh Road and Narnaul-Singhana Road.*
40. *In all those cases where the market value of the acquired land has to be assessed there is bound to occur some guess work. Since the land is situated adjacent to the already developed land to Sector-1 Part-1, so a very little effort is required to develop the acquired land. Classification of the land as chahi, barani or gair mumkin is also not required, as a house built on a barani land is as good as that built on a chahi or gair mumkin land.”*

10. In view of the fact that the land under acquisition which is situated within the revenue estate of Village Buchakpur having locational advantage as well as potential value because of its geographical location and forms part of the vicinity of already developed residential colonies; situated near two highways i.e. Narnaul-Mahendergah and Narnaul-Singhana Road and also abuts another chunk of land forming part of the revenue estate of Narnaul

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and the said land of Village Narnaul immediately abuts the already existing Sector 1 Narnaul, it would be more appropriate to rely upon the assessment of market value made in terms of land acquired for the revenue estate of Village Narnaul which was acquired vide same notification dated 21.07.1998 issued under Section 4 of the Act and also for the same purpose.

11. Thus, considering the fact that the land forming part of the revenue estate of Village Narnaul abuts the already existing Sector 1, Narnaul; and the land forming part of revenue estate of Village Buchakpur, adjoins the acquired land of Village Narnaul, but situated at some distance from already existing Sector 1, Narnaul, as the chunk of land which forms part of Village Narnaul exists between the land of Village Buchakpur and the already developed Sector 1, Narnaul; in such circumstances, it would be appropriate in case a suitable cut of 10% is applied over and above the market value of Rs.386/- per sq. yards which has been assessed in relation to the revenue estate of Village Narnaul in RFA No.4392 of 2006 decided on 22.08.;2025. The market value for the land acquired and forming part of the revenue estate of Village Buchakpur comes to Rs.347/- per sq. yards (Rs.386 – 10%) i.e. Rs.16,65,600/- per acre. The appellants/ landowners shall also be entitled for all other statutory benefits and interest provided under the provisions of 1894 Act (as amended upto date). It may further be noted here that in case, any of

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the landowners/ appellants having expired during the pendency of the present appeal and his/her/their legal representatives or legal heirs have not been impleaded, in view of the State amendment carried out under Order 22 Rule 3 (2) of CPC, 1908, the legal heirs of the deceased shall be entitled to draw benefit of the present judgment qua its enforcement directly by preferring appropriate execution applications in this regard.

12. Consequently, the appeals filed by the appellants/ landowners are **allowed** in the aforesaid terms; whereas the appeals filed at the instance of State are hereby **dismissed**.

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

22.08.2025
sanjay

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned?
Whether Reportable?

Yes/No
Yes/No

Sr. No.	Case No.	Title
1	RFA No.4815/2006	OM PARKASH VS. STATE OF HARYANA AND ORS.
2.	RFA No.4809/2006	HARBHAJAN SINGH AND ORS. VS. STATE OF HARYANA AND ORS.
3.	RFA No.5592/2008	SMT. KESHAR KAUR VS. STATE OF HARYANA AND ORS.
4.	RFA No.5691/2008	SMT.GURDAYAL KAUR (DECEASED) THROUGH HER LRS VS. STATE OF HARYANA AND ORS.
5.	RFA No.1173/2007	HOSHIAR SINGH VS. STATE OF HARYANA AND ORS.
6.	RFA No.1174/2007	HOSHIAR SINGH VS. STATE OF HARYANA AND ORS.

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7.	RFA No.292/2008	HARI SINGH AND ORS. VS. STATE OF HARYANA AND ORS.
8.	RFA No.296/2008	JAI SINGH AND ORS. VS. STATE OF HARYANA AND ORS.
9.	RFA No.295/2008	RAMOVATAR AND ANR. VS. STATE OF HARYANA AND ORS.
10.	RFA No.294/2008	SMT. BIRMATI VS. STATE OF HARYANA AND ORS.
11.	RFA No.297/2008	MANGAL RAM VS. STATE OF HARYANA AND ORS.
12.	RFA No.293/2008	LEKH RAM AND ORS.VS. STATE OF HARYANA AND ORS.
13.	RFA No.298/2008	JASWANT SINGH VS. STATE OF HARYANA AND ORS.
14.	RFA No.4816/2006	JAI PARKASH VS. STATE OF HARYANA AND ORS.
15.	RFA No.50/2007	BHIM SINGH AND ORS. VS. STATE OF HARYANA AND ORS.
16.	RFA No.5406/2008	SAJJAN SINGH VS. STATE OF HARYANA AND ANR.
17.	RFA No.5407/2008	NETAR PAL AND ANOTHER VS. STATE OF HARYANA AND ORS.
18.	RFA No.552/2007	STATE OF HARYANA AND ANR. VS. BHIM SINGH AND ORS.
19.	RFA No.553/2007	STATE OF HARYANA AND ANR. VS. SAJJAN SINGH AND ANR.
20.	RFA No.554/2007	STATE OF HARYANA AND ANR. VS. HARBHAJAN SINGH AND ORS.
21.	RFA No.555/2007	STATE OF HARYANA AND ANR. VS.MANGAL SINGH AND ANR.
22.	RFA No.556/2007	STATE OF HARYANA AND ANR. VS. RAM AVTAR AND ORS.
23.	RFA No.557/2007	STATE OF HARYANA AND ANR. VS. SMT.BIRMATI AND ORS.
24.	RFA No.558/2007	STATE OF HARYANA AND ANR. VS. LEKH RAM AND ORS.
25.	RFA No.559/2007	STATE OF HARYANA AND ANR. VS.HARI SINGH AND ORS.
26.	RFA No.763/2007	STATE OF HARYANA AND ANR. VS.JAGAT SINGH AND ANR.
27.	RFA No.764/2007	STATE OF HARYANA AND ANR. VS. JAI SINGH AND ORS.
28.	RFA No.776/2007	STATE OF HARYANA AND ANR. VS. JAI PARKASH AND ANR.

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29.	RFA No.797/2007	STATE OF HARYANA AND ANR. VS. NETARPAL AND ORS.
30.	RFA No.1033/2007	STATE OF HARYANA AND ANR. VS. JASWANT SINGH AND ORS.
31.	RFA No.1034/2007	STATE OF HARYANA AND ANR. VS. DEVENDER KUMAR AND ORS.
32.	RFA No.1035/2007	STATE OF HARYANA AND ANR. VS. OM PARKASH AND ANR.

22.08.2025
sanjay

(HARKESH MANUJA)
JUDGE