

2025:PHHC:111641



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

RFA-275-2008(O&M)
and other connected cases
Decided on:-19.08.2025

Lal Singh (since deceased) thr. his LRs.Appellant..

vs.

State of Haryana thr. Its Collector, District Panipat
and othersRespondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Arun Singal, Advocate,
for the landowner(s) (in RFA-275 and 276 of 2008).

Mr. R.K. Chaudhary, Advocate,
for the appellants (in RFA-1434 & 1435-2008).

Mr. Bijender Dhankhar, Advocate
for the appellants (in RFA-5188-2008).

Mr. Abhinash Jain, DAG, Haryana.

HARKESH MANUJA J. (Oral)

1. Vide this common judgment, the batch of total 11 connected Regular First Appeals are being decided as they all involve common question of law and facts. The details of the connected cases are given on the foot of the judgment.

1.2 For convenience, the facts are being taken from ***RFA-275-2008 (O&M)***.

2. By way of present appeal, challenge has been laid to an award

dated 29.08.2007 passed by the Reference Court-cum-Additional District Judge, Panipat, whereby, reference petition(s) preferred at the instance of appellants-landowners having invoked Section 18 of the Land Acquisition Act, 1894 (*for brevity, "1894 Act"*), were partly allowed.

3. Brief facts of the case are that certain land owned by the appellants-landowners, situated in the revenue estate of Village Dahar, Tehsil & District Panipat was acquired vide notifications dated 04.05.2001 and 22.01.2002, issued under Sections 4 & 6, respectively of the 1894 Act, for the public purpose, namely, construction of New Balana Minor. The total land under acquisition was 61 kanal and 13 marla. The Land Acquisition Collector vide its award dated 31.01.2003 assessed the market value at the rate of Rs.3.5 lacs per acre.

4. Aggrieved of the award passed by the Land Acquisition Collector, appellants-landowners along with others 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 29.08.2007, enhanced the market value in the following terms besides granting other statutory benefits:-

"Hence, compensation is awarded at the rate of Rs.4,25,000/- (Rs. Four Lacs Twenty Thousands) as per acre qua acquired land. Petitioners shall also get statutory benefits under Sections 23(1-A), 23(2) and 28 of Land Acquisition Act."

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

6. Impugning the aforesaid award dated 29.08.2007, learned

counsel for the appellants-landowners submits that the Reference Court went wrong while ignoring the sale exemplar produced on record. It has been submitted that once sale deeds with respect to the same revenue estate were proved on record, those were required to be considered for the purpose of determination of market value in relation to the acquired land. In particular, learned counsel for the appellants relies upon sale deed dated 28.02.2000 Ex.A-49, which pertains to 17 marlas of land against sale price of Rs.80,000/-. It has also been submitted that Ex.A-49 being the highest sale exemplar was required to be relied upon by the learned Reference Court and the market value should have been assessed accordingly.

7. On the other hand, learned State counsel submits that even as per the evidence which has been made available on record by the appellants-landowners in the shape of sale deeds Ex.A-32 and Ex.A-34 dated 11.08.1999 and 15.11.1999, which were pertaining to the land just abutting the New Balana Minor, the market value comes to around Rs.1,65,000/- per acre as per Ex.A-32 and Rs.3,25,000/- per acre as per Ex. A-34, whereas, the learned Reference Court has already assessed the market value @ Rs.4.25 lacs per acre, he thus, submits that the impugned award calls for no interference. Learned State counsel also points out that as per the proximity of time, the sale deeds Ex.A-32 and A-34 were better placed as compared to sale exemplar Ex.A-49 as relied upon by the landowners. No other argument has been addressed.

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 law laid down by the Hon'ble Apex Court in case ***"Hormal (deceased) through his Lrs and others vs. State of Haryana and others"***, 2024 INSC 797, it is appropriate to take into account the highest sale exemplars for the purposes of making assessment of market value. The sale deed dated 28.02.2000 (Ex. A-49) pertains to 17 marlas of land against sale consideration of Rs.80,000/- and the sale price per acre comes to Rs.7,52,941/-. The said sale deed pertaining to the same revenue estate of village Dahar having geographical proximity to the acquired land, being the highest sale exemplar needs to be preferred in view of the law laid down by the Hon'ble Apex Court in ***Hormal's*** case (supra), especially, when no evidence has been led on the part of respondents-State so as to raise any doubt about the bonafide or genuineness of the same; over and above the sale deed Ex.A-32 and A-34.

9.1 Moreover, in the humble opinion of this Court, no merit can be found with the submission made on behalf of the learned State counsel to the effect that the sale instance Ex.A-49 was to be ignored being 30 acres away from the acquired land. Once the acquisition has been carried out in relation to land situated within a revenue estate, the sale exemplars pertaining to the same revenue estate need to be relied upon; in the absence of any evidence been led to establish that because of difference of location there was any price variation within the same revenue estate. Furthermore, there is no evidence on record to show any material difference in the nature of acquired land and the land forming part of Ex.A-49. Be that as it may, a distance of around 30 acres in the revenue estate cannot by any stretch of imagination be taken to be as geographical or locational dis-similarity and a substantial

reason for ignoring the sale exemplar Ex.A-49.

9.2 Further, in view of the fact that the sale exemplar Ex.A-49 is dated 28.02.2000, whereas, the notification under Section 4 of the 1894 Act in the present case was issued on 04.05.2001, an appreciation of almost 14% for the gap period of 14 months needs to be applied over the sale consideration mentioned in Ex.A-49 while keeping in view the market position as well as the locational and potential attached to the subject land as recorded by the learned Reference Court. Relevant extract from para 14 of the award is extracted hereunder:-

“14.....Further, it is not dispute that village Dahar lies close to industrial city Panipat. Evidence on record brings out that acquired land had good potential for being used for residential/commercial/industrial purposes. In the given facts and circumstances, petitioners are justified in claiming that adequate compensation as per prevailing market price was not awarded by Land Acquisition Collector.”

9.3 Moreover, the sale exemplar Ex.A-49 being related to a small parcel of land measuring 17 marlas, appropriate deduction to account of development cost needs to be applied.

10. In view of the fact that the total land acquired of village Dahar, which is of relatively smaller area of around 7.5 acres and the same is for the purpose of construction of New Minor Balana, wherein, the respondents-State are not going to suffer any kind of loss of land/cost towards development of additional infrastructure, as such, in the peculiar facts, applying the appreciation of 14% and after applying deduction of 1/3rd upon the sale exemplar Ex.A-49, the market value of the land under acquisition is

hereby, assessed @ Rs.5,71,703/- per acre. The complete chart in this regard is as follows:-

Sr. No.	Exhibits	Date of Sale deed	Area of sale deed	Sale consideration	Sale price per acre	Consideration after applying 14% appreciation	After Deduction of 1/3rd, market value comes to
1.	Ex.A-49	Sale deed No.8445 dated 28.02.2000	17 marla	Rs.80,000/-	Rs.7,52,241/-	Rs.8,57,554/-	Rs.5,71,703/-

11. 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. The appellant-landowner shall also be entitled for grant of all other statutory benefits and interest under the 1894 Act.

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

19.08.2025
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(HARKESH MANUJA)
JUDGE

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

Sr. No.	Case No.	Title
1.	RFA-4221-2007 (O&M)	State of Haryana vs. Om Parkash and ors.
2.	RFA-4222-2007 (O&M)	State of Haryana and ors. vs. Gram Panchayat Dahar
3.	RFA-4223-2007 (O&M)	State of Haryana vs. Partap Singh and ors.
4.	RFA-4246-2007 (O&M)	State of Haryana vs. Santosh and ors.
5.	RFA-4444-2007 (O&M)	State of Haryana and ors. vs. Krishan Lal and ors.
6.	RFA-5188-2008 (O&M)	Krishan Lal and ors. vs. State of Haryana and ors.
7.	RFA-4445-2007 (O&M)	State of Haryana and others vs. Lal Singh
8.	RFA-1434-2008 (O&M)	Partap and another vs. State of Haryana and anr.
9.	RFA-1435-2008 (O&M)	Santosh and ors. vs. State of Haryana and anr.
10.	RFA-276-2008 (O&M)	Om Parkash vs. State of Haryana and ors.