

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

116-1

RFA-2022-2013

Reserved on : 08.07.2026

Pronounced on : 15.07.2026

AMAN DEEP & ORS.

...Appellants

Vs.

STATE OF HARYANA & ANR.

...Respondents

And

Sr. No.	Case No.	Appellant(s)	Respondent(s)
2.	RFA-2023-2013	Sukhma	State of Haryana & Anr.
3.	RFA-2024-2013	Dharam Pal & Anr.	State of Haryana & Anr.
4.	RFA-2025-2013	Shiv Kumar & Anr.	State of Haryana & Anr.
5.	RFA-2026-2013	Dhup Singh & Anr.	State of Haryana & Anr.
6.	RFA-2027-2013	Dharampal & Ors.	State of Haryana & Anr.
7.	RFA-2028-2013	Chaju Ram & Ors.	State of Haryana & Anr.
8.	RFA-2029-2013	Ram Saran & Ors.	State of Haryana & Anr.
9.	RFA-2030-2013	Aman Deep & Ors.	State of Haryana & Anr.
10.	RFA-2031-2013	Kaptan & Others	State of Haryana & Anr.
11.	RFA-2032-2013	Aman Deep & Anr.	State of Haryana & Anr.
12.	RFA-2033-2013	Mange Ram & Anr.	State of Haryana & Anr.
13.	RFA-2034-2013	Ved Parkash & Ors.	State of Haryana & Anr.
14.	RFA-2035-2013	Ramesh & Ors.	State of Haryana & Anr.
15.	RFA-2036-2013	Fateh Singh & Anr.	State of Haryana & Anr.
16.	RFA-2037-2013	Puran Chand & Ors.	State of Haryana & Anr.
17.	RFA-2038-2013	Balwan & Ors.	State of Haryana & Anr.
18.	RFA-2595-2013	Banwari Lal	State of Haryana & Anr.
19.	RFA-5386-2013	Banwari Lal	State of Haryana & Anr.
20.	RFA-5428-2013	Kapoor Singh & Ors.	State of Haryana & Anr.

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Akash Yadav, Advocate for appellants/landowners
(in RFA Nos.2022 to 2038 of 2013 & RFA No.5428 of 2013)

Mr. R.A. Sheoran, Advocate with
Mr. Sushil Sheoran, Advocate for appellants
(in RFA-2595-2013 & RFA-5386-2013)

Mr. Abhinash Jain, Additional Advocate General, Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. As common issues are involved in the captioned appeals, with the consent of both sides, the same are hereby disposed of by this common order. For the sake of brevity and convenience, facts are borrowed from ***RFA-2022-2013***.

2. The appellants through instant appeal are seeking modification of award dated 12.12.2012 whereby learned Additional District Judge, Bhiwani (hereinafter called as 'Reference Court') has not awarded amount of compensation as claimed by them.

3. The State Government issued notification dated 08.01.2008 under Section 4 of the Land Acquisition Act, 1894 (for short '1894 Act') for acquisition of 10.43 acres of land situated within the revenue estate of Village Rawaldhi Hadbast No.148, Tehsil Charkhi Dadri, District Bhiwani for the construction of a bypass from Dadri-Bhiwani Road to Tehsil Charkhi Dadri, District Bhiwani. The said notification was followed by notification dated 09.09.2008 issued under Section 6 of 1894 Act. On demarcation area of acquisition was found 8.52 acres.

4. The Land Acquisition Collector (for short 'Collector'), Hisar vide Award dated 30.03.2009, in terms of provisions of 1894 Act, determined compensation payable to landowners @ ₹ 8 lakh per acre. Landowners were held entitled to solatium and other statutory benefits. Feeling dis-satisfied from aforesaid award, landowners preferred petitions before the Collector which were referred to Court under Section 18 of the 1894 Act.

5. The landowners as well as State, in support of their contentions, led their evidence. The State attempted to justify market value determined by Collector, however, landowners vehemently pleaded that value of their

land has been assessed on lower side.

6. The Reference Court, appreciating evidence led by both sides, adjudicated the petitions. The Reference Court has assessed market value of acquired land @ ₹ 15 lakh per acre. In this way, the Reference Court has enhanced market value from ₹ 8 lakh to ₹ 15 lakh per acre. The landowners are in appeal before this Court.

7. Learned Counsel for appellants submits that Reference Court has wrongly rejected evidence Exhibit P-34 and P-39. Evidence led by appellants disclose that value of the land during 2007-08 was at least ₹48,40,000/- per acre. The Reference Court has rejected their evidence on the grounds that area of land disclosed in relied upon sale deeds is either small or non-agriculture. The Reference Court could impose cut to determine value of acquired land, however, there was no occasion to reject evidence led by appellants.

8. *Per contra*, learned counsel for the State submits that Reference Court has rightly rejected sale deeds relied upon by landowners. All the sale deeds either relate to small areas or non-agricultural land whereas land acquired was treated as agricultural. The Court has rightly imposed cut of 50% on the value of non-agricultural land.

9. Heard the arguments and perused the record.

10. Learned counsel for the parties are *ad idem* that delay in filing any appeal which is part of present bunch may be condoned. Accordingly, delay, if any, in any case, stands condoned.

11. From the perusal of record and arguments of stakeholders, it is evident that State vide notification dated 08.01.2008 read with notification dated 09.09.2008 finally acquired 8.52 acres land situated in Village Rawaldhi Hadbast No.148, Tehsil Charkhi Dadri, District Bhiwani. The land was acquired for the purpose of constructing a bypass from Dadri-Bhiwani

determination of market value of the acquired land was 08.01.2008 i.e. date of notification under Section 4 of 1894 Act. The Collector determined Rs. 8,00,000/- per acre market value of the acquired land. The landowners were held entitled to statutory benefits besides market value of the acquired land. The landowners filed reference petitions and Reference Court vide impugned award has determined market value of acquired land as ₹15 lakh per acre.

12. The dispute before this court is confined to assessment of market value of the land in question. LAC determined market value of the land ₹ 8 lakh per acre whereas Reference Court has determined ₹ 15 lakh per acre. Both sides produced evidence in support of their contentions. Details of documents relied upon by both sides read as:

Sale deed relied upon by landowners:

Sr. No.	Sale deed	Date of registration	Area sold	Total consideration in ₹	Rate per acre in ₹
1	Ex.P-32	10.06.09	16-2/3 Marla	9,00,000	86,40,345
2	Ex.P-34	21.11.08	1 Kanal 13-1/3 Marla	6,65,000	31,92,031
3	Ex.P-39	14.06.07	4 Kanals	24,20,000	48,40,000
4	Ex.P-40	07.06.07	5-2/3 Marla	2,55,000	72,00,847

Sale deed relied upon by State:

Sr. No.	Sale deed	Date of registration	Area sold	Total consideration in ₹	Rate per acre in ₹
1	Ex.R-1	18.02.08	7 Kanals 11 Marlas	6,17,000	6,53,774
2	Ex.R-2	23.04.08	10 Marlas	4,50,000	72,00,000
3	Ex.R-3	15.12.08	2 Kanals 3 Marlas	1,75,000	6,51,163
4	Ex.R-4	30.12.09	8 Marlas 16 Marlas	6,87,500	6,25,000

13. The Reference Court weighed veracity of aforesaid documents/sale deeds and rejected sale deed Exhibit P-39 relied upon by landowners on the ground that acquired area is purely agriculture in nature and area mentioned in Exhibit P-39 comes under MC Charkhi Dadri which is an urban land. The Court further rejected Ex. P-40 on the ground of size

and nature of land. The Court has relied upon award Exhibit P-16 dated 18.06.2009 whereby market value of adjoining urban land was determined ₹30 lakh per acre. The Court has held that half of land falling in urban area acquired vide award Ex.P-16 is justified which comes to ₹15 lakh per acre.

14. The State has contended that Reference Court has wrongly applied cut of 50% whereas it should be more.

15. For determining market value of a tract of land, based on sale consideration of a small piece of land, cut is imposed on account of any of two or both reasons i.e. cost of development and market value of small piece of land *vis-à-vis* a tract of land. Value of a developed plot includes cost of roads, electricity, water, sewage, drainage, common facilities area etc. It is a matter of knowledge that ordinarily a small piece of land fetches more value than a big contiguous piece. Thus, value of a big chunk of land cannot be determined based on sale consideration of a small piece of land. 1894 Act has laid down parameters to determine market value of the land and courts/authorities are required to apply their mind and determine market value as accurate as possible.

16. Hon'ble Supreme Court in *Haridwar Development Authority v. Raghbir Singh (2010) 11 SCC 581; Haryana State Agricultural Market Board v. Krishan Kumar (2011) 15 SCC 297; Lal Chand v. Union of India (2009) 15 SCC 769; Chimanlal Hargovinddas v. Special Land Acquisition Officer, Poona 1998 (3) SCC 751; Trishala Jain & another v. State of Uttaranchal & another (2011) 6 SCC 47; Karnataka Urban Water Supply & Drainage Board v. K.S. Gangadharappa, (2009) 11 SCC 164* has held that deduction on account of development charges has to be considered in the peculiar facts and circumstances of each case. The purpose of acquisition is also a relevant factor for applying cut. The Court has permitted deduction

for development cost ranging from 20% to 75% of price of small flats.

17. A conspectus of judicial precedents and statutory provisions reveals that following factors should be kept in mind while determining value of acquired land:

- i) Collector rate of land of the acquired land should be considered but not mechanically applied.
- ii) Collector rate or sale consideration of acquired land should be preferred than any other land irrespective of location.
- iii) If sale consideration of acquired land is not available, sale consideration of nearest land possessing advantages should be considered. The principle should be lesser the distance more the preference.
- iv) Capitalization methods by putting its potential value having close to the developed or developing colonies nearest to road etc.
- v) Sale consideration of a big chunk of land should be preferred than smaller piece of land.
- vi) In case sale consideration of only small piece of land is available, an appropriate cut should be imposed.
- vii) In case sale consideration of developed plot is available, appropriate deduction towards cost of development should be made.
- viii) Market value specified for the purpose of registration of sale deeds or agreements to sale in the area where the acquired land is situated i.e. for the levy of stamp duty.

18. In the present case, acquisition was for construction of bypass road from Dadri-Bhiwani Road to Tehsil Charkhi Dadri, District Bhiwani. The area of land acquired was 8.52 acres whereas size of exemplar sale deeds was 4 or 5 Kanals. Land acquired was agricultural in nature whereas land disclosed in exemplar sales was non-agricultural. Thus, Reference Court

rightly rejected sale deeds relied upon by landowners.

19. The landowners before the Reference Court cited award No. 2B dated 18.06.2009 (Ex. P16) which related to land abutting Hadbast No. 147. Land under aforesaid Award was acquired for the same purpose and under the same notifications issued under Section 4 and 6 of 1894 Act. The Collector under aforesaid Award determined market value of the acquired land @ ₹30 Lakh per acre. The Reference Court considering nature, location and use of land in question vis-à-vis land acquired under Award Ex. P16, assessed market value of the land in question @ 50% of the value determined under Award Ex. P16. This Court vide even dated order has enhanced market value of land of Ex. P16 from ₹ 30 Lakh to ₹40 Lakh per acre. Accordingly, market value of land in question deserves to be enhanced from ₹15 Lakh to ₹20 Lakh per acre. Ordered accordingly. The appellant-landowners are further entitled to 12% p.a. addition as per Section 23(1A), solatium under Section 23(2) and interest under Section 28 as awarded by Reference Court.
20. Appeals of landowners are allowed in above terms.
21. Pending application(s), if any, also stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

July 15, 2026
Deepak DPA

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

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