

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

RFA-2116-2016 (O&M)  
Reserved on: 24.05.2022  
Date of decision: 01.06.2022

RAMPAL AND ANR

..Appellants

Versus

STATE OF HARYANA AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANILKSHETARPAL

Present: Mr. Aashish Chopra, Sr. Advocate  
with Ms. Sugandha Kundu, Advocate  
Ms. Gurpreet Randhawa, Advocate.

Mr. Sudhir Aggarwal, Advocate  
Mr. Ajay Ghangas, Advocate  
Mr. Aditya Jain, Advocate  
Mr. Tarun Yadav, Advocate  
Mr. Gaurav Aggarwal, Advocate  
Mr. Sanjay Vij, Advocate  
Mr. Pawan Kumar, Advocate  
Mr. Saurabh Arora, Advocate  
Mr. Atul Yadav, Advocate  
Mr. Sanjay Verma, Advocate  
Mr. D.K. Singal, Advocate  
Mr. Kapil Kumar, Advocate  
for Mr. Keshav Pratap Singh, Advocate  
for the landowners.

Mr. Arun Gosain, Advocate  
Mr. Sudhir Nar, Advocate  
Mr. Shivoy Dhir, Advocate  
Mr. Sunil Kumar Sharma, Advocate  
Mr. Anil Chawla, Advocate  
for Union of India.

Ms. Vibha Tewari, AAG, Haryana.

**ANIL KSHETARPAL, J.**

1. BACKGROUND AND INTRODUCTION

1.1 Two batches of appeals (details whereof are on the foot of the  
judgment), filed under Section 54 of the Land Acquisition Act, 1894

(hereinafter referred to as ‘the 1894 Act’), with a prayer to modify the awards passed by the Reference Court (hereinafter referred to as 'the RC') on 15.01.2016 as well as 15.03.2016, arising from common notifications under Section 4, 6 of the 1894 Act, shall stand disposed of. The acquisition has been made for establishing National Defence University in villages Binola and Bilaspur (contiguous villages) in Teshil Manesar, District Gurugram.

1.2           The learned counsel representing the parties are not only common but also *ad idem* that these appeals can conveniently be disposed of by a common judgment.

1.3           The relevant particulars of the case are as under:-

| Sr. No. | Title                                                                                                                                                                                                                                                                                                                                                | Details                                                                                                             |
|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| 1.      | Notification under Section 4 of the 1894 Act was issued proposing to acquire land for National Defence University.                                                                                                                                                                                                                                   | 21.01.2011                                                                                                          |
| 2.      | Declaration under Section 6 of the 1894 Act was published.                                                                                                                                                                                                                                                                                           | 12.01.2012                                                                                                          |
| 3.      | Vide Awards No.13 and 14, The Land Acquisition Collector assessed the market value of the acquired land at the rate of Rs.52,00,000/- per acre while observing that 25% extra per acre shall be payable for the land abutting National Highway No.8 upto the depth of 2 acre of village Binola which comes to Rs.65,00,000/- per acre shall be paid. | 08.09.2012                                                                                                          |
| 4.      | Extent of land acquired                                                                                                                                                                                                                                                                                                                              | In Village Binola:- 162 acres, 2 kanals and 4 marlas,<br><br>In village Bilaspur:- 42 acres 6 kanals and 11 marlas. |
| 5.      | While deciding 18 reference petitions, the RC assessed the                                                                                                                                                                                                                                                                                           | 15.01.2016                                                                                                          |

|    |                                                                                                                                                             |            |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
|    | market value of the acquired land at the rate of Rs.73,64,787/- with respect to village Bilaspur.                                                           |            |
| 6. | With respect to the acquired land in village Binola, the RC relying upon the judgment dated 15.01.2016, assessed the same market value i.e. Rs.73,64,787/-. | 15.03.2016 |

1.4           The landowners claim that the acquired land is not less than Rs.10 Crore per acre. It is claimed that the acquired land is located near the factory of Hero Honda and Ansal Industrial Park. Kundli-Manesar-Palwal Expressway is hardly 5 kms away from the acquired land. There are four engineering colleges in the nearby area. On the other hand, Union of India claim that the assessment has been correctly made by a Committee consisting of senior officers and the market value of the acquired land is not more than what has been awarded.

2.           **ORAL AND DOCUMENTARY EVIDENCE PRODUCED IN VILLAGE BINOLA**

2.1           **ORAL EVIDENCE:-**

2.1.1           In the cases arising from village Binola, the landowners have examined the following witnesses:-

|    |      |                                                             |
|----|------|-------------------------------------------------------------|
| 1. | PW-1 | Sh. Babu Lal, Patwari                                       |
| 2. | PW-2 | Sh. Subhash Chand, Patwari,                                 |
| 3. | PW-3 | Sh. Ajay Kumar, Registration Clerk                          |
| 4. | PW-4 | Sh. Rameshwar                                               |
| 5. | PW-5 | Sh. Bishan Kumar, Clerk from Excise and Taxation Department |
| 6. | PW-7 | Sh. Amit Bhandari, Director of                              |

|    |              |                                              |
|----|--------------|----------------------------------------------|
|    |              | <i>M/s Auto Mac Pvt. Ltd.</i>                |
| 7. | <i>PW-8</i>  | <i>Sh. Inder, Patwari</i>                    |
| 8. | <i>PW-9</i>  | <i>Sh. Lalit Kumar, Photographer</i>         |
| 9. | <i>PW-10</i> | <i>Sh. Ashok Kumar, one of the landowner</i> |

2.1.2            On the other hand, the respondents examined the following witnesses:-

|             |                                                                                    |
|-------------|------------------------------------------------------------------------------------|
| <i>RW-1</i> | <i>Sh. Rattan Singh, SDO-II, Defence State Officer, Delhi Circle, Delhi Cantt.</i> |
|-------------|------------------------------------------------------------------------------------|

2.2                **DOCUMENTARY EVIDENCE:**

2.2.1            The landowners in order to prove their case, produced the following evidence apart from the sale deeds, table of which is compiled in para 3.2.2 of the judgment:-

| <i>Sr. No.</i> | <i>Exhibit</i>  | <i>Particular</i>                                                                         |
|----------------|-----------------|-------------------------------------------------------------------------------------------|
| <i>1.</i>      | <i>Ex.P-1</i>   | <i>Revenue layout plan of village Binola</i>                                              |
| <i>2.</i>      | <i>Ex.P-2</i>   | <i>Revenue layout plant of village Bilaspur</i>                                           |
| <i>3.</i>      | <i>Ex.PW5/A</i> | <i>Form VAT-GI</i>                                                                        |
| <i>4.</i>      | <i>Ex.PW6/1</i> | <i>Report of architect, engineer and valuer</i>                                           |
| <i>5.</i>      | <i>Ex.P6/2</i>  | <i>Plan of existing building</i>                                                          |
| <i>6.</i>      | <i>Ex.P8</i>    | <i>Final development plan for control areas of Gurgaon-Manesar Urban Complex, 2021</i>    |
| <i>7.</i>      | <i>Ex.P9</i>    | <i>Final development plan for control areas of Gurgaon-Manesar Urban Complex, 2025</i>    |
| <i>8.</i>      | <i>Ex.P-10</i>  | <i>Final development plan for control areas of Gurgaon-Manesar Urban Complex, 2031 AD</i> |
| <i>9.</i>      | <i>Ex.P9</i>    | <i>Final development plan for control areas of Pataudi and</i>                            |

|     |                                      |                                                                  |
|-----|--------------------------------------|------------------------------------------------------------------|
|     |                                      | <i>Haily Mandi, 2031</i>                                         |
| 10. | <i>Ex.PW8/A</i>                      | <i>Statement prepared by LAC</i>                                 |
| 11. | <i>Ex.PW8/B</i>                      | <i>Statement prepared by LAC</i>                                 |
| 12. | <i>Ex.PW9/1<br/>to<br/>Ex.PW9/34</i> | <i>Photographs</i>                                               |
| 13. | <i>Ex.P10/B<br/>and<br/>Ex.P10/C</i> | <i>Part of the revenue layout plan</i>                           |
| 14. | <i>Ex.P12</i>                        | <i>Information received under Right to Information Act, 2005</i> |

2.2.2            On the other hand, the Union of India has produced Ex.R-2 (proceedings of the meeting of Divisional level Committee held on 02.02.2012) and Ex.R-3 (the award passed by the RC on 15.01.2016, while deciding the cases of village Bilaspur acquired by same notification).

3.                    **ORAL AND DOCUMENTARY EVIDENCE PRODUCED IN VILLAGE BILASPUR**

3.1                    **ORAL EVIDENCE:**

3.1.1                In the cases arising from village Bilaspur, the landowners examined the following witnesses:-

| <i><b>Sr. No.</b></i> | <i><b>Exhibit</b></i> | <i><b>Particular</b></i>                       |
|-----------------------|-----------------------|------------------------------------------------|
| 1.                    | <i>Ex.PW-1</i>        | <i>Sh. Bhupender Singh, Registration Clerk</i> |
| 2.                    | <i>Ex.PW-2</i>        | <i>Sh. Babu Lal, Patwari</i>                   |
| 3.                    | <i>Ex.PW-3</i>        | <i>Sh. Adarsh Kumar, one of the landowner.</i> |

3.1.2                Whereas, on the other hand, respondents examined Sh. Rattan Singh, SDO-II, Office of Defence State Officer, Delhi Circle, Delhi Cantt.

3.2                    **DOCUMENTARY EVIDENCE:**

3.2.1                The landowners in order to prove their case, produced the

following evidence apart from the sale deeds, table of which is compiled in para 3.2.2 of the judgment:-

*Ex.P-5 (revenue layout plan).*

On the other hand, the Union of India has produced the revenue layout plan and the sale deeds details whereof are given in the separate table, produced in para 3.2.2 of the judgment.

3.2.2

VILLAGE BILASPUR

| Sr. No. | Exhibit Nos. | Sale Deed No. | Date       | Total Area  | Land Calculated in Marlas | Price consideration | Price Per Acre | Village  |
|---------|--------------|---------------|------------|-------------|---------------------------|---------------------|----------------|----------|
| 1.      | P-3          | 1981          | 07.01.2011 | 5A-3K-9M    | 869                       | 80000000            | 14729574       | Bilaspur |
| 2.      | P-4          | 1276          | 05.08.2011 | 4A-2K-0.39M | 680.39                    | 59000000            | 13874395       | Bilaspur |
| 3.      | R-3          | 412           | 09.06.2010 | 6K          | 120                       | 3000000             | 4000000        | Bilaspur |
| 4.      | R-4          | 440           | 14.06.2010 | 1A-5K-10M   | 270                       | 6750000             | 4000000        | Bilaspur |
| 5.      | R-5          | 476           | 17.06.2010 | 3A-3K-7M    | 547                       | 13675000            | 4000000        | Bilaspur |
| 6.      | R-6          | 525           | 25.06.2010 | 6K-10M      | 130                       | 3643000             | 4483692        | Bilaspur |
| 7.      | R-7          | 1148          | 06.10.2010 | 1A-1K-12.5M | 192.5                     | 4894450             | 4068114        | Bilaspur |
| 8.      | R-8          | 1442          | 16.11.2010 | 1A-5K-10M   | 270                       | 7087500             | 4200000        | Bilaspur |
| 9.      | R-9          | 1443          | 16.11.2010 | 1A-5K-10M   | 270                       | 7087500             | 4200000        | Bilaspur |
| 10.     | R-10         | 1524          | 24.11.2010 | 6K-15M      | 135                       | 4218750             | 5000000        | Bilaspur |
| 11.     | R-11         | 1575          | 30.11.2010 | 1A-4K-1M    | 241                       | 7500000             | 4979253        | Bilaspur |
| 12.     | R-12         | 1599          | 02.12.2010 | 1A-6K-12M   | 292                       | 7665000             | 4200000        | Bilaspur |
| 13.     | R-13         | 1630          | 06.12.2010 | 2A-2K-7M    | 367                       | 9633750             | 4200000        | Bilaspur |
| 14.     | R-14         | 1641          | 06.12.2010 | 4K-10M      | 90                        | 3000000             | 5333333        | Bilaspur |
| 15.     | R-15         | 1740          | 15.12.2010 | 2A-3K-9M    | 389                       | 12156250            | 5000000        | Bilaspur |
| 16.     | R-16         | 2795          | 01.03.2011 | 4K-19M      | 99                        | 2600000             | 4202020        | Bilaspur |
| 17.     | R-17         | 2796          | 01.03.2011 | 5K          | 100                       | 2625000             | 4200000        | Bilaspur |
| 18.     | R-18         | 2799          | 01.03.2011 | 1A-3K-0.3M  | 220.3                     | 6181250             | 4489332        | Bilaspur |
| 19.     | R-19         | 2800          | 01.03.2011 | 7K-6.8M     | 146.8                     | 4131250             | 4502724        | Bilaspur |
| 20.     | R-20         | 2802          | 01.03.2011 | 6K-14.2M    | 134.2                     | 3774500             | 4500149        | Bilaspur |

VILLAGE BINOLA

| Sr. No. | Exhibit Nos.      | Sale Deed No. | Date       | Area            | Land Calculated in Marlas | Price consideration | Price Per Acre | Village |
|---------|-------------------|---------------|------------|-----------------|---------------------------|---------------------|----------------|---------|
| 1.      | P-1<br>P-6<br>P-7 | 9683          | 03.08.2007 | 8A-7K-2M        | 1422                      | 190000000           | 21378340       | Binola  |
| 2.      | P-2               | 3145          | 31.03.2011 | 15A-6K-12M      | 2532                      | 89000000            | 5624012        | Binola  |
| 3.      | P-3               | 669           | 26.07.2010 | 210<br>Sq.Yards | -                         | 8,00,000            | 1,84,38,095    | Binola  |
| 4.      | P-4               | 1277          | 21.10.2010 | 30<br>Sq.Yards  | -                         | 70,000              | 1,12,93,333    | Binola  |
| 5.      | P-5               | 1420          | 12.11.2010 | 7 M             | 7                         | 5,00,000            | 1,14,28,571    | Binola  |
| 6.      | P-6               | 2590          | 10.02.2011 | 272<br>Sq.Yards | -                         | 6,26,500            | 1,11,48,014    | Binola  |
| 7.      | R-4               | 677           | 27.07.2010 | 2A-6K-13M       | 453                       | 1,13,25,000         | 40,00,000      | Binola  |
| 8.      | R-5               | 908           | 03.09.2010 | 2A              | 320                       | 80,00,000           | 40,00,000      | Binola  |
| 9.      | R-6               | 395           | 04.06.2010 | 1A-1K-10M       | 190                       | 53,00,000           | 44,63,157      | Binola  |
| 10.     | R-7               | 709           | 30.07.2010 | 1A-2K-7M        | 207                       | 51,75,000           | 40,00,000      | Binola  |
| 11.     | R-8               | 681           | 27.07.2010 | 1A-6K-13M       | 293                       | 73,25,000           | 40,00,000      | Binola  |
| 12.     | R-9               | 678           | 27.07.2010 | 2A-6K-13M       | 453                       | 1,13,25,000         | 40,00,000      | Binola  |
| 13.     | R-10              | 680           | 27.07.2010 | 9A              | 1440                      | 3,60,00,000         | 40,00,000      | Binola  |
| 14.     | R-11              | 679           | 27.07.2010 | 9A              | 1440                      | 3,60,00,000         | 40,00,000      | Binola  |

4. REASONS AND ANALYSIS OF THE AWARD MADE BY THE REFERENCE COURT IN BOTH THE VILLAGES:

4.1 While firstly deciding the cases arising from village Bilaspur, the RC has recorded the following reasons:-

1. There is no reason to award separate amount for the acquired land abutting National Highway.
2. The sale deeds produced by the State of Haryana cannot be taken into consideration being of lesser price

*than the amount awarded by the LAC in view of Section 25 of the 1894 Act.*

*3. Sale Deed No.1641 dated 06.12.2010 (Ex.R-14), but the difference between the area sold and the acquisition is very huge.*

*4. Sale Deed No.1981 dated 07.01.2011 (Ex.P-3), with respect to the 43 kanals and 9 marlas land sold at the rate of Rs.1,47,29,574/- is comparable.*

*5. The RC after applying deduction of the 50% towards difference in the area of the acquired land and the exemplar sale deed assessed the market value at the rate of Rs.73,64,787/- per acre.*

*6. There is no evidence of damages suffered by the landowners on account of severance of the unacquired or remaining land.*

4.2 While deciding the cases of village Binola, apart from the reasons recorded by the RC while deciding the cases of village Bilaspur, the RC has held that all the exemplar sale deeds produced by both the parties are not comparable. Thereafter, the RC relied upon its previous award dated 15.01.2016 to assess the same market value, as decided in that award.

4.3 The RC has not recorded any reason whatsoever while observing that there is no such reason for the separate assessment of the market value of the land abutting National Highway No.8 i.e. Delhi-Jaipur Highway. Without any evidence, the RC has observed the same. The RC has also not given any reason before returning the aforesaid findings. Similarly,

the RC has committed an error in wrongly interpreting Section 25 of the 1894 Act, which is extracted as under:-

*“25. Amount of compensation awarded by Court not to be lower than the amount awarded by the Collector. - The amount of compensation awarded by the Court shall not be less than the amount awarded by the Collector under section 11.”*

4.3 It has evident from the careful reading of the provision that Section 25 of the 1894 Act, only debars the Court from awarding the market value less than the amount assessed by the LAC. There is no prohibition for the Court to take into consideration, the sale deeds produced by the parties which reflect a price lower than the amount assessed by the LAC. This matter is no longer *res integra* in view of the judgment passed in **Lal Chand Vs. Union of India, 2009(15) SCC 769**. The RC has also erred in discarding the sale exemplar Ex.R-14 i.e. Sale Deed No. 1641, dated 06.12.2010, through which 4 kanals and 10 marlas land was sold at the rate of Rs.40,00,000/- per acre. It may be noted here that the RC without applying its mind has stated that the gap between the area of land sold through the sale deed and the area of acquired land is huge. Similarly, the RC has erred in relying upon the sale exemplar vide Sale Deed No.1981, dated 07.01.2011, with respect to the sale of 43 kanals and 9 marlas, land located in village Binola, sold for a total sale consideration of Rs.8 Crores, at the rate of Rs.1,47,29,574/- per acre. The RC has overlooked that this parcel of land is located on the other side/across the National Highway No.8. The Court has also erred in overlooking that the various sale instances of the various parcels of the land located on the National Highway, which are not only located on the same side of the National Highway alongwith the

acquired land but also located near the acquired land.

**5. ARGUMENTS MADE BY THE LEARNED COUNSEL  
REPRESENTING THE PARTIES:**

5.1 This Bench has heard the learned counsel representing the parties and with their able assistance perused the paperbook of both the lead cases in two different batches as well as the record which was requisitioned.

5.2 The learned counsel representing the appellant contends that the land is situated near the Industrial Area, Manesar, and is abutting National Highway No.8 (Delhi-Jaipur Highway). They further contend that the RC has committed an error while applying 50% deduction on account of dissimilarity in the parcel of land sold in the sale deed exemplars and the acquired land. They contend that the Sale Deed No.1981 is with respect to more than 5 acres of land, which is sufficiently a big parcel of land and, consequently, 50% deduction was not correct. Per contra, Union of India also filed appeals claiming that the assessment made by the RC is excessive.

**6. DISCUSSION BY THIS COURT:**

6.1 Before proceeding further, it is important to take note of the location of the acquired land. Some part of the acquired land located in village Binola is abutting the National Highway No.8 (Delhi-Jaipur Highway). It has been noticed from the careful perusal of the layout plan produced by the respective parties, that approximately 5 acres of the acquired land is located on the National Highway. It may further be significant to note that the acquired land of village Bilaspur is not located on the National Highway. In fact, the acquired land of village Bilaspur is located behind the acquired land of village Binola. The landowners have

tried to project that Kundli-Manesar-Palwal Expressway is 5kms away from the acquired land. It may be noted here that at that time Kundli-Manesar-Palwal Expressway which is also known as Western Peripheral Expressway was not developed although idea of its development was in the pipeline. Hence, the reliance placed on the aforesaid fact by the landowners is wrong.

6.2 Moreover, it is significant to note that the acquired land in village Binola consists of land comprised in Rectangle No.25, 26, 32, 33, 40, 41, 42, 44, 45, 46, 49 and 50. Whereas, the acquired land of village Bilaspur is located in Rectangle No.4, 9, 10, 11 and 20. At this stage, it is important to explain the expression “rectangle” in the context of the size of the land.

6.3 During the consolidation of the land holdings in the villages/revenue estate under the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act 1953, the total land of the village is divided into Rectangles which consists of 25 acres of land. Each Rectangle is assigned a numerical number starting from 1. As per the practice, which is uniformly followed, Rectangle No.1 is assigned to North Eastern Corner of the village and the assigned number increase in a strip of land having depth, equivalent to 5 acres towards South Eastern boundary of the village, then the assigned numbers keep increasing from the South Eastern side of the village towards the North Eastern side, again, in a strip of land having depth of 5 acres abutting the previous strip of land towards the Western side of the previous strip of land. (In other words, the assigned Rectangle numbers increase in spiral manner similar to the numbers assigned to each box in the game of Snakes and Ladder.)

6.4 On the careful examination of the revenue layout plan of village

Binola, it is evident that the State has produced a Sale Deed exemplar No.709, dated 30.07.2010, evidencing sale of land, measuring 10 kanals 7 marlas, at the rate of Rs.51,75,000/-. This is approximately five months prior to the date of notification under Section 4. This parcel of the land comprises of Rectangle No.26, Khasra Nos.3 and 4. This land is not only located on the National Highway No.8 (Delhi-Jaipur Highway) but is located hardly 3 acres away from the acquired land on the same side of National Highway as the acquired land. The land comprised in Rectangle No.26, Khasra No.4/1/2, is at a distance of 3 acres from the land comprised in Rectangle No.26, Khasra Nos.23 and 24. In other words, a part of the acquired land as well as the land sold vide Sale Deed No.709, are from the land comprised in same rectangle i.e. 26.

6.5 Furthermore, the Union of India has produced sale exemplars showing purchase of land comprised in Rectangle No.14, 15, 16, 17 through the various sale exemplars. This parcel of land is also located on the same side of the National Highway as is the acquired land and is at distance of 6-7 acres from the acquired land.

6.6 This Bench now proceeds to examine the Sale Deed No.1981, dated 07.01.2011, relied upon by the Court which is Ex.P-3. This parcel of land is located on the other side of the National Highway. A major chunk of the aforesaid land is located on the National Highway itself. Furthermore, the Sale Deed No.1981, has been sold by the Premium Automobiles Pvt. Ltd. through Sh. Pawan Sachdeva. Smt. Sangeeta Sachdeva, wife of Sh. Pawan Sachdeva, has sold another parcel of land measuring 33 kanal 19 marlas 6 sarsai vide Sale Deed No.1726, on 05.08.2011, at a much lesser

rate. This parcel of land is located behind the land sold by the Premium Automobile Industries. The purchaser in both the sale deeds is Mitsuba Sical India Ltd.

6.7 Once, the sale exemplar of the land located in the same rectangle is available, the RC committed an error in relying upon the sale exemplar with regard to the parcel of the land which is located across the National Highway. The RC has also overlooked that the sale deed Ex.P-3 is just 15 days before the date of notification under Section 4 of the 1894 Act. When two corporate entities had entered into a contract of sale and, consequently, the parcel of land is not likely to have been purchased for the purpose of agriculture.

6.8 Similarly, on a careful perusal of the layout plan of village Bilaspur, it is evident that the State of Haryana produced various sale exemplars to prove that the price of the nearby land was in the range of Rs.40 to 50 lacs per acre. It has been noticed that the acquired land of village Bilaspur is from Rectangle No.4, 9, 10, 11 and 20. whereas, the various sale exemplars of the land comprised in Rectangles No.59, 60, 61 and 62 have been produced. These parcels of land are located nearby the acquired land. The land comprised in Rectangle No.42 starts at a distance of 8 acres from the acquired land. Similarly, the land comprised in Rectangle No.43, is also at a distance of 10 acres only from the acquired land.

6.9 Hence, the RC has committed an error in placing reliance on the award with respect to village Bilaspur.

6.10 This Bench now proceeds to examine the contentions of the learned counsel representing the appellants.

6.11 The first argument of the learned counsel representing the landowners is though convincing and solid, but in absence of the sufficient corroborative evidence, the Court cannot assess the market value merely on the basis that the acquired land is not only located in Tehsil Manesar but also located on the Delhi-Jaipur Highway.

6.12 The next argument of the learned counsel representing the landowners is with respect to 50% development cut applied by the RC, which is erroneous. However, this Court has reassessed the market value of the acquired land. This Court, on appreciation of evidence, have chosen not to rely upon the aforesaid sale deed exemplar, hence, the argument remains academic.

6.13 Now, the question that arises for adjudication is that what should be the appropriate market value of the acquired land.

6.14 As already noticed, there are various sale instances produced by the Union of India to prove that the market value of the acquired land was not more than Rs.52,00,000/- per acre. The LAC while assessing the market value has held that the landowners of the land located on the belt of 2 acres, abutting the National Highway located in village Binola shall be entitled to Rs.65,00,000/- per acre. If we compare this price with the sale exemplar of the land located 3 acres from the acquired land, it is evident that the land has been sold vide Sale Deed No.709 dated 30.07.2010, at the rate of Rs.40,00,000/-.

6.15 Furthermore, as already noticed with respect to the acquired land located in village Bilaspur, the various sale deed exemplars of the land located in Rectangle Nos.42, 43 and 60, which are located nearby have been

produced, are preferable to assess the market value of the acquired land.

7. DECISION

7.1 Keeping in view the aforesaid facts, the appeals filed by Union of India are allowed, whereas, the appeals filed by the landowners stand dismissed. While setting aside the judgment passed by the RC, the amount assessed by the LAC is found more appropriate and therefore, maintained.

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

01<sup>st</sup> June, 2022

(ANIL KSHETARPAL)  
JUDGE

Ay

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

| Sr. No. | Case No.             | Appellants                                     | Respondents               |
|---------|----------------------|------------------------------------------------|---------------------------|
| 1.      | RFA No.2116 of 2016  | Rampal and another                             | State of Haryana & others |
| 2. 1    | RFA No.2638 of 2016  | Brahmanand (deceased) through his LRs & others | State of Haryana & others |
| 3.      | RFA No.2639 of 2016  | Brahmanand (deceased) through his LRs & others | State of Haryana & others |
| 4.      | RFA No. 2878 of 2016 | Satbir Singh                                   | State of Haryana & others |
| 5.      | RFA No. 2875 of 2016 | Rameshwar and others                           | State of Haryana & others |
| 6.      | RFA No. 2877 of 2016 | Ashok Kumar and others                         | State of Haryana & others |
| 7.      | RFA No. 2901 of 2016 | Inderjeet                                      | State of Haryana & others |
| 8.      | RFA No. 4480 of 2017 | Government of India and another                | Adarsh and others         |
| 9.      | RFA No. 3092 of      | Smt. Tarawati                                  | State of Haryana          |

|     |                           |                                        |                           |
|-----|---------------------------|----------------------------------------|---------------------------|
|     | 2016                      |                                        | & others                  |
| 10. | RFA No. 3663 of 2016      | Pyare Lal & others                     | State of Haryana & others |
| 11. | RFA No. 3664 of 2016      | Balwant and another                    | State of Haryana & others |
| 12. | RFA No. 3665 of 2016      | Jaipal and others                      | State of Haryana & others |
| 13. | RFA No. 3666 of 2016      | Karan Singh                            | State of Haryana & others |
| 14. | RFA No. 3667 of 2016      | Smt. Birmati and another               | State of Haryana & others |
| 15. | RFA No. 3668 of 2016      | Jagdev and others                      | State of Haryana & others |
| 16. | RFA No. 3669 of 2016      | Sanjeet and another                    | State of Haryana & others |
| 17. | RFA No. 3670 of 2016      | Balwan Singh and another               | State of Haryana & others |
| 18. | RFA No. 4324 of 2016      | Ishwar and others                      | State of Haryana & others |
| 19. | RFA No. 572 of 2018       | Raje Ram @ Raja Ram @ Jage Ram         | State of Haryana & others |
| 20. | RFA No. 4225 of 2017      | Government of India and another        | Rameshwar and others      |
| 21. | RFA No. 4101 of 2017      | Joint Secretary (Training) & another   | Rampal and others         |
| 22. | RFA No. 4323 of 2017      | Government of India and another        | Karan Singh and others    |
| 23. | RFA No. 4474 of 2017      | Government of India and another        | Jagdev and others         |
| 24. | RFA No. 4475 of 2017      | Government of India and another        | Balwan Singh and others   |
| 25. | RFA No. 4476 of 2017      | Government of India and another        | Balwant and others        |
| 26. | RFA No. 4477 of 2017      | Government of India and another        | Jaipal and others         |
| 27. | RFA No. 4478 of 2017      | Government of India and another        | Sanjeet and others        |
| 28. | RFA No. 4479 of 2017      | Government of India and another        | Smt. Birmati and others   |
| 29. | RFA No. 4658 of 2017 (O&M | Joint Secretary (Training) and another | Brahmanand (deceased)     |

**RFA-2116-2016 (O&M) and  
other connected cases**

**-17-**

|     |                                      |                                        |                                           |
|-----|--------------------------------------|----------------------------------------|-------------------------------------------|
|     |                                      |                                        | through his LRs & others                  |
| 30. | RFA No. 4730 of 2017                 | Joint Secretary (Training) and another | Raje Ram @ Raja Ram @ Jage Ram and others |
| 31. | RFA No. 4770 of 2017                 | Government of India and another        | Pappu and others                          |
| 32. | RFA No. 4958 of 2017 (O&M            | Government of India and another        | Pyare Lal and others                      |
| 33. | RFA No. 4375 of 2017                 | Government of India and another        | Ashok Kumar and others                    |
| 34. | RFA No. 4379 of 2017                 | Joint Secretary (Training) and another | Daya Ram and others                       |
| 35. | RFA No. 4380 of 2017                 | Joint Secretary (Training) and another | Smt. Kanta Devi and others                |
| 36. | RFA No. 4381 of 2017                 | Government of India and another        | Rameshwar and others                      |
| 37. | RFA No. 4384 of 2017                 | Joint Secretary (Training) and another | Smt. Rekha and others                     |
| 38. | RFA No. 5122 of 2017                 | Joint Secretary (Training) and another | Raje Ram @ Raja Ram @ Jage Ram and others |
| 39. | RFA No. 3004 of 2016                 | M/s T.S. Automach Pvt. Ltd.            | State of Haryana & others                 |
| 40. | RFA No. 4390 of 2016                 | Adarsh Kumar and others                | State of Haryana & others                 |
| 41. | RFA No. 4957 of 2017 (O&M            | Government of India and another        | Ishwar and others                         |
| 42. | RFA No. 4378 of 2017                 | Joint Secretary (Training) and another | Suresh Kumar Mehta and others             |
| 43. | RFA No. 4298 of 2017                 | Joint Secretary (Training) and another | Sanjay Razdan and others                  |
| 44. | RFA No. 4306 of 2017                 | Union of India                         | P.K.Sharma and others                     |
| 45. | RFA No. 4382 of 2017                 | Joint Secretary (Training) and another | Manoj Kumar Trehan and others             |
| 46. | XOBJR No. 84 in RFA No. 4383 of 2017 | Joint Secretary and another            | Manoj Kumar and others                    |
| 47. | RFA No. 4383 of 2017                 | Joint Secretary and another            | Manoj Kumar and others                    |
| 48. | RFA No. 4501 of                      | Ministry of Defence and                | M/s NCJ Estate                            |

|     |                                              |                                                    |                                                  |
|-----|----------------------------------------------|----------------------------------------------------|--------------------------------------------------|
|     | 2017                                         | others                                             | Solutions Pvt. Ltd. & others                     |
| 49. | RFA No. 5123 of 2017                         | Government of India and another                    | Surajbhan and others                             |
| 50. | RFA No. 4503 of 2017                         | Joint Secretary (Training) and another             | Brahmanand (deceased) through his LRs and others |
| 51. | RFA No. 3093 of 2016                         | Kanta Devi and others                              | State of Haryana & others                        |
| 52. | RFA No. 3094 of 2016                         | Smt. Rekha and another                             | State of Haryana & others                        |
| 53. | RFA No. 3095 of 2016                         | Hanuman                                            | State of Haryana & others                        |
| 54. | RFA No. 3096 of 2016                         | Dharmender Kumar Tayal and another                 | State of Haryana & others                        |
| 55. | RFA No. 3733 of 2016                         | Pyare Lal and another                              | State of Haryana & others                        |
| 56. | RFA No. 3734 of 2016                         | M/s Vibrant Resorts & Entertainment Pvt. Ltd.      | State of Haryana & others                        |
| 57. | RFA No. 3750 of 2016                         | Ratan Singh and others                             | State of Haryana & others                        |
| 58. | RFA No. 3751 of 2016                         | Ratan Singh and others                             | State of Haryana & others                        |
| 59. | RFA No. 3752 of 2016                         | Daya Ram and another                               | State of Haryana & others                        |
| 60. | RFA No. 3753 of 2016                         | Bala Ram since deceased through his LRs and others | State of Haryana & others                        |
| 61. | RFA No. 3754 of 2016                         | Bala Ram since deceased through his LRs and others | State of Haryana & others                        |
| 62. | RFA No. 3788 of 2016                         | Jasbir                                             | State of Haryana & others                        |
| 63. | XOBJR No. 19-C1-2018 in RFA No. 4325 of 2017 | Government of India and another                    | Smt.Bimla Yadav and others                       |
| 64. | RFA No. 4325 of 2017                         | Government of India and another                    | Smt.Bimla Yadav and others                       |
| 65. | RFA No. 4763 of 2016                         | M/s Passion Realtech Private Limited               | State of Haryana & others                        |
| 66. | RFA No. 111 of 2017                          | Ishwar and others                                  | State of Haryana & others                        |

|     |                                              |                                        |                                                    |
|-----|----------------------------------------------|----------------------------------------|----------------------------------------------------|
| 67. | RFA No. 816 of 2017                          | Suresh Kumar Mehta and another         | State of Haryana & others                          |
| 68. | RFA No. 2511 of 2017                         | Pradeep Krishna Chaturvedi             | State of Haryana & others                          |
| 69. | RFA No. 573 of 2018                          | Raje Ram alias Raja Ram alias Jage Ram | State of Haryana & others                          |
| 70. | RFA No. 699 of 2018                          | Mrs Mamta Gupta                        | State of Haryana & others                          |
| 71. | RFA No. 1899 of 2018                         | Dinesh                                 | State of Haryana & others                          |
| 72. | RFA No. 4046 of 2017                         | Joint Secretary (Training) and another | Smt. Tarawati and others                           |
| 73. | RFA No. 4158 of 2017                         | Joint Secretary (Training) and another | Mrs. Mamta Gupta and others                        |
| 74. | RFA No. 4159 of 2017                         | Joint Secretary (Training) and another | Bala Ram (deceased) through his LRs and others     |
| 75. | RFA No. 4190 of 2017                         | Joint Secretary (Training) and another | Sh. Pradeep Krishna Chaturvedi and others          |
| 76. | XOBJR No. 16-C1-2018 in RFA No. 4191 of 2017 | Government of India and another        | Smt. Premwati and others                           |
| 77. | RFA No. 4191 of 2017                         | Government of India and another        | Smt. Premwati and others                           |
| 78. | RFA No. 4224 of 2017                         | Joint Secretary (Training) and another | Sanjeev Kumar and others                           |
| 79. | RFA No. 4294 of 2016                         | Joint Secretary (Training) and another | Inderjeet and others                               |
| 80. | RFA No. 4299 of 2017                         | Government of India and another        | M/s Passion Real Tech Pvt. Ltd. and others         |
| 81. | RFA No. 4300 of 2017                         | Joint Secretary (Training) and another | Bala Ram (deceased) through LRs                    |
| 82. | RFA No. 4301 of 2017                         | Government of India and another        | Satbir Singh and others                            |
| 83. | RFA No. 4302 of 2017                         | Government of India and another        | M/s Vibrant Resorts and Entertainment Pvt. Ltd and |

|      |                                            |                                        |                                                  |
|------|--------------------------------------------|----------------------------------------|--------------------------------------------------|
|      |                                            |                                        | others                                           |
| 84.  | RFA No. 4303 of 2017                       | Government of India and another        | Pyare Lal and others                             |
| 85.  | RFA No. 4304 of 2017                       | Joint Secretary (Training) and another | Rattan Singh and others                          |
| 86.  | RFA No. 4305 of 2017                       | Joint Secretary (Training) and another | M/s T.S. Automach Pvt. Limited & others          |
| 87.  | RFA No. 4322 of 2017                       | Government of India and another        | Ishwar and others                                |
| 88.  | XOBJR No. 19-C1-2018 RFA No. 4325 of 2017  | Government of India and another        | Smt. Bimla Yadav and others                      |
| 89.  | RFA No. 4325 of 2017                       | Government of India and another        | Smt. Bimla Yadav and others                      |
| 90.  | RFA No. 4326 of 2017                       | Joint Secretary (Training) and another | Dharmender Kumar Tayal and others                |
| 91.  | RFA No. 4327 of 2017                       | Joint Secretary (Training) and another | Dinesh and others                                |
| 92.  | XOBJR No.3-C1-2018 in RFA No. 4328 of 2017 | Joint Secretary (Training) and another | Suman Raheja and others                          |
| 93.  | RFA No. 4328 of 2017                       | Joint Secretary (Training) and another | Suman Raheja and others                          |
| 94.  | RFA No. 4329 of 2017                       | Joint Secretary (Training) and another | Hanuman and others                               |
| 95.  | RFA No. 4330 of 2017                       | Joint Secretary (Training) and another | Jagbir and others                                |
| 96.  | RFA No. 4331 of 2017                       | Joint Secretary (Training) and another | Rattan Singh & others                            |
| 97.  | RFA No. 4341 of 2017                       | Joint Secretary (Training) and another | Bala Ram (Since Deceased) through LRs and others |
| 98.  | RFA No. 4374 of 2017                       | Joint Secretary (Training) and another | Inderjeet & others                               |
| 99.  | RFA No. 4473 of 2017                       | Government of India and another        | Dharmender and others                            |
| 100. | RFA No. 1440 of 2017                       | Rameshwar & others                     | Anuradha & others                                |
| 101. | XOBJR No.17-C1-2018 in RFA No.             | Government of India and another        | Sunita Saini and others                          |

|      |                      |                                 |                         |
|------|----------------------|---------------------------------|-------------------------|
|      | 4439 of 2017         |                                 |                         |
| 102. | RFA No. 4439 of 2017 | Government of India and another | Sunita Saini and others |

(ANIL KSHETARPAL)  
JUDGE