2025:PHHC:126671

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA-4061-2003 and other connected cases
Date **of Decision: September 15, 2025**

RAM SINGH ....Appellant

Versus

STATE OF HARYANA AND ORS ....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ishnoor Singh, Advocate for the appellant.

Mr. Abhinash Jain, DAG, Haryana.

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HARKESH MANUJA, J. (ORAL)

A batch of 6 connected Regular First Appeals (details whereof are given on the foot of the judgment) shall stand disposed of by this common order, as they involve common question of law and facts.

For convenience, the facts are being taken from RFA-4061-2003.

By way of present appeal, challenge has been laid to the judgment dated 13.06.2003 passed by the learned Additional District Judge, Hisar, whereby the reference petitions filed under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as '1894 Act') by the appellant-landowner seeking enhancement of compensation was partly allowed.

2. Briefly stating, the land measuring 6.57 acres, situated within the revenue estate of Village Dabra, Tehsil Narnaund, District Hisar was acquired for the purpose of construction of Dabra Ditch Drain vide notifications dated 27.03.1998 and 07.05.1998 issued under Sections 4 and 6 respectively of 1894 Act. The Land Acquisition Collector (for short 'LAC') passed Award No.2-H dated 29.04.1999 assessing the market

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value at the rate of Rs.2,00,000/- per acre for *Nehri* as well as *Gair Mumkin* land along with other statutory benefits (on carrying out measurement on the spot, the actual acquired land was found to be 04.87 acres).

3. The appellant, being dissatisfied with the award, sought reference under Section 18 of the 1894 Act before the learned Additional District Judge, Hisar, pleading that the market value of the acquired land was not less than Rs.300/- per square yard as the same was situated in the vicinity of Model Town and Sectors, 13 ,16 & 17 Urban Estate, Hissar besides having high potentiality of being used for residential, commercial and industrial purposes. Moreover, it was stated that the LAC did not provide any compensation regarding trees existing over the acquired land.

4. Upon notice, respondents filed a written statement wherein it was stated that the LAC rightly awarded the compensation as the acquired land was purely agricultural in nature and the same was acquired solely for construction of Dabra Ditch Drain to carry out floodwater. Further, existence of any trees over the acquired land was also denied by the respondents.

5. On the basis of pleadings of the parties, the following issues were framed by learned trial Court on 15.12.2000:-

> *"1. What was the market value of the acquired land on the date of notification under Section 4 of the Land Acquisition Act? OPP*
>
> *2. Relief."*

6. In order to prove his case, the appellant examined Mr. Manohar Lal (Engineer) as PW-1 and himself appeared as PW-2 and placed on record documents Exs.P-1 to P-4. On the other hand

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respondents examined Raghbir Singh (Patwari) as RW1 and tendered documents Ex.R-1 to R-5.

7. After considering the evidence, the learned Additional District Judge, Hisar, vide award dated 13.06.2003 partly accepted the petitions and assessed the market value of the acquired land located at main Hisar Tosham road upto the depth of 500 feet @ Rs.2,50,000/- per acre and for the lands located beyond 500 feets from Hisar Tosham road it was fixed @ Rs.2,00,000/- per acre while holding that the acquired land which was adjoining the main Hisar Tosham Road was having higher potential value than the land away from the main road and the market value of the same thus, deserved to be 25% higher.

8. Aggrieved of the award dated 13.06.2003 passed by learned Additional District Judge, Hisar, the appellant-landowner filed the present appeal before this Court.

9. Impugning the aforementioned award, learned counsel for the appellant submits that the learned Refernece Court went wrong having failed to rely upon the award dated 02.02.1998 (Ex.P-4) whereby, the market value of the land which was acquired vide notification dated 21.02.1991 issued under Section 4 of 1894 Act with respect to the revenue estate of Hisar was assessed at Rs.6,80,000/- per acre vide order dated 23.09.1999 by this Court in RFA-1724-1998 for the area up to the depth of 500 meters from the State Highway and beyond that @ Rs. 6,05,000/- per acre. He submits that acquisition in the said case pertained to carving out of Sector-16 and parts of Sectors 11, 13, 15 and 17, Hissar. Learned counsel points out that the distance between the land previously acquired in the year 1991 and that under present acquisition which was carried out vide notification dated 27.03.1998 was around 27 acres only (approximately two kilometers) and thus, the assessment made with

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respect to the same should have been taken into account by the learned Reference Court for making the assessment of compensation in the present case.

10. On the other hand, learned counsel appearing on behalf of respondents submits that the acquisition carried out vide notification dated 21.02.1991 was relating to the revenue estate of village Hisar whereas, the present acquisition was for the revenue estate of village Dabra and, therefore, the assessment of market value made in relation to the notification dated 21.02.1991 was rightly discarded by the learned Reference Court. He also points out that since there was a difference of more than two kilometers between the two parcels of land therefore, the market value assessed in relation to previous notification dated 21.02.1991 was not to be considered as the relevant piece of evidence. Learned State counsel also submits that the learned Reference Court went wrong while discarding the sale instances (Exs. R-1, R-2 and R-4) which were pertaining to the year 1995-96 and as per those the market value was around Rs.1,00,000/- per acre whereas, much more than that was already awarded in favour of landowner by the LAC and therefore, no further enhancement was called for. As such, learned State counsel prays for setting aside of the award passed by the learned Reference Court.

11. 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 appellant.

12. In the present case, from the evidence available on record in the shape of deposition made by PW-1-Manohar Lal (Engineer and Valuer), RW-1 namely Raghbir Singh, Patwari and the site plan Ex. P-3, it has been clearly established that the distance between the chunk of land previously acquired vide notification dated 21.02.1991 and the present

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acquisition carried out vide notification dated 27.03.1998 issued under Section 4 of the 1894 Act is of 25 to 27 acres. While making submissions, learned State counsel has even shown a site plan prepared by the Revenue Officers which clearly shows that the land under acquisition in the present case is situated exactly in the middle of the already developed Sectors 16 and 17, Hisar towards the end and the abadi of village Dabra towards the other end. It has not been disputed by the learned State counsel in the presence of revenue officials from the office concerned that the revenue estate of Village Daabra abuts and adjoins the already developed Sectors 16 and 17 and there is no other revenue estate in between the two parcels.

13. It may also be taken note of that notification dated 21.02.1991 which related to carving out of Sector-16 and parts of Sectors 11, 13, 15 and 17 was issued on 21.02.1991 i.e. around 7 years before the acquisition in the present case and during this period, the development in the area had already taken shape. In such circumstances, learned Reference Court was to rely upon the award Ex.P-4 dated 02.02.1998 for making assessment of compensation in the present case being related to the abutting revenue estate by applying 6% appreciation for the difference of 7 years between the two notifications and by applying suitable cut thereupon on account of distance between the two parcels of land. In view of the aforesaid, by taking the market price of Rs.6,80,000/- assessed in relation to the notification dated 21.02.1991; granting 6% appreciation for 7 years between 21.02.1991 to 27.03.1998 and after applying a cut of 50% thereupon, the market value in relation to notification dated 27.03.1998 which pertains to the acquisition comes to Rs.4,82,800/- per acre.

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14. The abovementioned figure also tallies in case, the sale deeds dated 12.03.2001 and 22.11.2000 i.e. Exs. P-2 and P-3 are taken into account. Considering the fact that the sale deeds Exs.R-1, R-2 and R-4 have not been depicted on the site plan so as to reflect the comparative location of those transaction in relation to the land under acquisition, the same cannot be relied upon. As per sale deed dated 12.03.2001(Ex.P-2) the sale price per acre comes to Rs.5,77,660/- whereas, for the sale deed dated 22.11.2000 (Ex.P-3) the sale price per acre comes to Rs.5,95,000/-. Though, both the aforementioned sale deeds were discarded by the learned Reference court on the ground that the same were post-notification, however, in case the principle of de-escalation @ 6% per annum is applied upon the sale deed dated 12.03.2001 (Ex. P-2), the sale price per acre comes to Rs.4,73,681/- similarly, the de-escalation @ 6% per annum if applied on the sale deed dated 22.11.2000 (Ex.P-3), the sale price per acre as on the date of notification in the present case, come to Rs.5,05,750/- which is near the figure arrived at in the preceding paragraph and even corroborates the said determination. In such circumstances, the market value of the land under present acquisition is hereby assessed at Rs.4,82,800/- per acre along with all other benefits payable to the landowners.

15. Besides it, the landowner-appellant shall also be entitled for all the statutory benefits and interest, provided under the provisions of 1894 Act.

16. It may be noticed here that since the acquisition in the present case is for small area of 31 kanals and 10 marlas only, it would be appropriate that the landowner are held entitled for the benefit of market value at the uniform rate rather than based on the belting system.

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17. Accordingly, the present petition is disposed of with aforesaid modification.

18. Wherever the landowner(s) has/have unfortunately expired in the appeal(s)/cross-objection(s) after filing thereof and the legal heirs have not been impleaded, they shall be at liberty to seek execution of the present decision by moving appropriate applications before the learned Executing Court.

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

15.09.2025 **(HARKESH MANUJA)**
Tejwinder **JUDGE**

Whether speaking/reasoned	*Yes/No*
Whether Reportable	*Yes/No*

RFA No.	Title
RFA-4062-2003	SANDOKHI AND ORS V/S STATE OF HARYANA AND ORS.
RFA-4063-2003	SHANTI DEVI AND ORS V/S STATE OF HARYANA AND ORS
RFA-4064-2003	SHANTI DEVI V/S STATE OF HARYANA AND ORS
RFA-4065-2003	SMT JASWANT AND ORS V/S STATE OF HARYANA AND ORS
RFA-4066-2003	RAJINDER SINGH V/S STATE OF HARYANA AND ORS

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