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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA-1690-1995 (O&M) and other connected cases

Date of Decision: November 11, 2025

RAM LAKHAN DASS(DECEASED) TH. HIS LR AND ANR. ..Appellant

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Raja Sharma, Advocate for the appellant.

Mr. Abhinash Jain, DAG, Haryana.

HARKESH MANUJA, J. (ORAL)

CM-12826-CI-2013 in RFA-1690-1995

This is an application for bringing on record the legal heirs of applicant/appellant who has unfortunately died on 03.07.2010.

Notice of application to non-applicants/respondents.

Mr. Abhinash Jain, DAG, Haryana accepts notice on behalf of respondents and raises no objection to the prayer made in the application.

For the reasons mentioned in the application, the same is allowed, subject to all just exceptions and the applicant as mentioned in paragraph 2 of application is ordered to be impleaded as legal representatives of deceased-Ram Lakhan Dass-applicant/appellant in order to pursue the present application.

Amended memo of parties be taken on record.

MAIN CASE(s)

A batch of 3 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-1690-1995.

By way of present appeal, challenge has been laid to the judgment dated 13.03.1995 passed by the learned District Judge, Jind, whereby the reference petitions filed under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act') by the appellant(s)-landowner(s), seeking enhancement of compensation was partly allowed.

2. Briefly stating, land measuring 3.94 acres, situated within the revenue estate of Village Jamni, Tehsil Safidon and District Jind was acquired for the public purpose for construction of Jind-Safidon road vide notifications dated 02.03.1987 published on 24.03.1987 and 08.10.1987 published on 03.11.1987 issued under Sections 4 and 6 respectively of the Act. The Land Acquisition Collector (for short 'LAC') passed Award dated 24.08.1988 assessing the market value at the rate of Rs.49,920/- per acre for nehri and Rs.29,920/- per acre for barani along with other statutory benefits.

3. The appellant-landowner, feeling dissatisfied with the award, sought reference under Section 18 of the Act pleading that the acquired land was not less than Rs.3,00,000/- per acre as the same had greater potential value and was fit for commercial, residential and industrial use being situated adjacent to the road. Moreover, market value of the land situated in village Amrali Khera was assessed @ Rs.1,16,000/- per acre and also no compensation regarding trees existing on the acquired land was granted.

4. Upon notice, respondents filed written statement stating that LAC rightly awarded the compensation as the land under acquisition did not possess potential value for use for commercial, industrial or residential purpose and no trees were existing on the acquired land.

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

- “1. What was the market value of the acquired property at the time of publication of notification under Section 4 of the Land Acquisition Act, 1894? OPP

2. Relief.”

6. In order to prove their case, both the parties led their respective evidences. The appellants examined Prem Singh and Mukhtiar as witnesses and tendered documents Exs.P-1 to P-7 in evidence. On the other hand, for respondent Satbir Singh, A.S.D.C., PWD, B&R Safidon appeared as witness and tendered documents Exs.R-1, R-2 and Mark-A in evidence.

7. After considering the evidence, the learned District Judge, Jind, vide award dated 13.03.1995 allowed the petition filed at the instance of appellants and enhanced the amount of compensation to the tune of Rs.70,000/- per acre for nehri category and Rs.48,000/- per acre for barani category.

8. Aggrieved of the aforesaid award dated 13.03.1995 passed by learned District Judge, Jind, appellants-landowners filed the present appeal.

9. Impugning the aforementioned award, learned counsel for the appellant submits that learned Reference Court went wrong having discarded the sale instance Ex.P-4 dated 23.02.1987 which pertained to 6 kanals 16 marlas of land situated within the revenue estate of Village Amrali Khera whereby the alienation was made for Rs.1,00,000/- i.e. @ Rs.1,17,647/- per acre. He points out that the revenue estate of village Amrali Khera and Jamni were abutting and adjoining and land therein was of similar nature and potential. He also contends that the sale instance Ex.P-4 was situated at a distance of around 7 acres from the land under acquisition and thus, the same was required to be relied upon by the learned Reference Court for the purpose of determination of the market value.

10. On the other hand, learned State counsel submits that the learned Reference Court rightly discarded the sale instance Ex.P-4 while recording the potential difference between the land forming part of sale instance Ex.P-4 in comparison to the land under acquisition. Learned State counsel points out that finding of fact was recorded by learned Reference

Court to the effect that the land comprised of sale instance Ex.P-4 situated on Jamni-Pillu Khera road was having locational advantage attached to it and thus, was rightly discarded. Learned State counsel thus, submits that no interference was called for with the determination made by 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 landowners-appellants.

12. Admittedly, in the present case the land under acquisition pertains to the revenue estate of village Jamni. The sale instance Ex.P-4 dated 23.02.1987 as relied upon by learned counsel for the appellant(s)-landowner(s) pertains to the revenue estate of Village Amrali Khera. A perusal of the record shows that a positive finding of fact has been recorded by learned Reference Court to the effect that the revenue boundaries of villages Jamni and Amrali Khera are adjoining and abutting. It has been also recorded that the land forming part of sale instance Ex.P-4 is at a distance of just 7 acres from the acquired land. The aforesaid relevant finding recorded by the learned Reference Court in Paragraph Nos.11 and 12 of the impugned award are extracted hereunder:-

“11.The land under acquisition is situated within the area of village Jamani. Boundaries of village Jamni and Amrali Khera are adjoining.”

12.The distance between the land involved in Ex.P-4 and the acquired land towards Pillu Khera is seven acres.”

13. Further, neither the aforesaid finding has been assailed at the instance of respondent-State nor even any evidence to the contrary has been pointed out. In view of the aforesaid, once the sale instance pertaining to the revenue estate of village Jamni was not available on record, the learned Reference Court was required to rely upon the sale exemplar Ex.P-4 dated

23.02.1987 pertaining to the revenue estate of village Amrali Khera especially, when the land forming part thereof was situated at a distance of merely 7 acres from the land under acquisition and the revenue estate of villages Jamni and Amrali Khera have been abutting and adjoining. The reasoning recorded by the learned Reference Court for discarding the sale exemplar Ex.P-4 dated 23.02.1987 to the effect that the land forming part thereof was situated on Jamni-Pillu Khera road and thus, was having more potential as compared to the land under acquisition is wholly unjustified in the given facts as admittedly, the acquisition in the present case has been carried out for the purpose of widening of Jind-Safidon road and the land under acquisition is also existing on the said road itself. Thus, in such circumstances, it can safely be recorded that the land under acquisition was having even much greater potential value on account of its locational advantage being existing on the Jind-Safidon road in comparison to the land forming part of the sale instance Ex.P-4 which was situated on Jamni-Pillu Khera road.

14. For the aforesaid reasons and also on the basis of evidence available on record, while relying upon the sale instance Ex.P-4 dated 23.02.1987 vide which 6 kanals and 16 marlas of land was sold for Rs.1,00,000/- and the base price per acre was Rs.1,17,647 /-, the appellant(s)-landowner(s) are held entitled for the same amount of market value i.e. Rs.1,17,647/- per acre for their land acquired vide notification dated 02.03.1987 issued under Section 4 of the Act. In the present case, since the acquisition has been carried out for the purpose of widening of Jind-Safidon road and as such, the respondent-State has not suffered any loss of land or even any expense towards development cost for providing of additional infrastructural amenities, no development cut is required to be applied especially, when the sale instance Ex.P-4 pertains to comparatively large

parcel of 6 kanals 16 marlas of land and the acquisition itself is merely for 3.14 acres.

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

16. In view of the aforesaid circumstances, the present appeal is disposed of with aforesaid modification.

17. 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.

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

11.11.2025
Tejwinder

(HARKESH MANUJA)
JUDGE

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

OTHER CASES	CONNECTED
RFA-1691-1995 (O&M)	
RFA-1764-1995 (O&M)	