102 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Decided on:-03.11.2025

1. RFA-540-1995 (O&M)

Ran Singh and anr. ....Appellants.

vs.

State of Haryana and another ....Respondents.

2. RFA-548-1995 (O&M)

Mohinder Singh (since deceased) thr. his LRs. and ors. ....Appellants.

vs.

State of Haryana and another ....Respondents.

3. RFA-875-1995 (O&M)

Ved Singh (since deceased) thr. his LRs. and ors. ....Appellants.

vs.

State of Haryana and another ....Respondents.

4. RFA-1255-1995 (O&M)

Smt. Udai Kaur and others ….Appellants.

vs.

State of Haryana and another ….Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Y.P. Malik, Advocate,
Mr. Ankur Malik, Advocate,
for the appellants (in RFA-540-1995).

Mr. Rajinder Sharma, Advocate and
Ms. Mridul Sharma, Advocate,
for the appellants.

Mr. Abhinash Jain, DAG, Haryana.

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HARKESH MANUJA J. (Oral)

1. Vide this common judgment, the aforementioned four Regular First Appeals are being decided as all have arisen out of the same award involving identical facts and questions of law.

1.2 For convenience, the facts are being taken from RFA-540-1995 (O&M).

2. By way of present appeals, challenge has been laid to an award dated 24.12.1994 passed by the learned Reference Court-cum-Additional District Judge, Rohtak, whereby, the appellants-landowners were held entitled for award of market value @ Rs.23/- per sq. yds against the acquired land besides award of other statutory benefits.

2. Brief facts of the case are that some land owned by the appellants-landowners, situated in the revenue estate of Village Bahadurgarh, was sought to be acquired vide notification dated 18.06.1987 published on 23.06.1987, under Section 4 of the Land Acquisition Act, 1894 (for short, ***"1894 Act")*** and the notification dated 11.01.1989, issued under Section 6 thereof, for the public purpose, namely, construction of a building for the Industrial Training Institute at Bahadurgarh. The total land under acquisition was 9 acres 5 kanals. The award was passed on 15.02.1989, whereby, the market value was assessed @ Rs.84,000/- per acre by the Sub-Divisional Officer (Civil), Bahadurgarh, acting as Land Acquisition Collector.

3. Aggrieved thereof, the appellants-landowners filed 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 24.12.1994, awarded the enhanced compensation at the rate of Rs.23/- per sq. yds. besides grant of all other statutory benefits.

4. Impugning the aforementioned award, learned counsel for the appellants submits that the learned Reference Court went wrong having applied cut of 40% over the price per acre derived from the sale instance Ex.P-1. He submits that the total land under acquisition was 15 bighas 8 biswas and thus, the sale instance Ex.P1, which pertained to 1 Bigha 5 biswas could not have been considered as a small transaction. He also points out that since the purpose of acquisition was for construction of a building for the Industrial Training Institute at Bahadurgarh; the respondent-State was neither going to suffer any loss of land or cost towards additional infrastructure and as such, a development cut of 40% was highly excessive. No other argument has been addressed.

5. On the other hand learned counsel appearing on behalf of the respondents-State submits that taking into account the small parcel of land forming part of sale instance Ex.P1, the cut applied @ 40% was appropriate in the given facts and as such the impugned award passed by the learned Reference Court calls for no interference.

6. I have heard learned counsel for the parties and gone through the paper book.

7. In the facts and circumstances of the present case, the total land under acquisition is 15 bighas 8 biswas situated in the revenue estate of

Bahadurgarh. The land was acquired for the purpose of setting up of a building for the Industrial Training Institute at Bahadurgarh. The learned Reference Court having recorded that the sale instance Ex.P1 dated 04.02.1987 was more akin to the acquired land, the learned Reference Court went on to apply development cut of 40% over the sale price derived from the said sale instance. In the facts and circumstances of the present case, one of the consideration which weighed upon the mind of the learned Reference Court was that the possibility of the land via sale instance Ex.P1 been sold at a higher rate because of impending acquisition was not to be ruled out.

7.1 In the humble opinion of this Court, in the absence of there being any evidence available on record to the aforesaid effect, the said findings recorded by the learned Reference Court was wholly uncalled for. Moreover, the acquisition in the present case related to 15 bighas 8 biswas of land, whereas, the sale instance Ex.P1 measured for 1 bighas 5 biswas, which was comparatively not to be treated as a small parcel. Moreover, since, the purpose of acquisition was setting up of a building for the Industrial Training Institute at Bahadurgarh, the respondents-State was neither going to suffer any loss against optimum utilization of land nor the State was to bear any cost towards additional infrastructural amenities like parks, open spaces, green belts, roads or community building etc. In such circumstances, instead of applying development cut of 40%, it would have been appropriate to have applied cut of 10% over the price per acre derived from the sale instance Ex.P1. Accordingly, the market value per acre for the acquired land is assessed on the basis of sale instance Ex. P1 dated 04.02.1987, whereby 1 bigha 5 biswas of land was sold for a sum of

Rs. 49,000/-, the price per acre comes to Rs. 1,88,160/-. Upon applying a deduction of 10% thereon, the market value as on the date of notification issued under Section 4 of the 1894 Act, in the present case, comes to Rs. 1,69,344/-, along with all other statutory benefits and interest, including the benefit of interest on solatium.

8. In view of the aforesaid discussion, the appeals filed at the instance of appellants-landowners are partly allowed.

9. Further, in case of unfortunate demise of any of the appellants-landowners, if the legal heir(s)-legal representative(s) have not been brought on record, they shall be entitled for filing exemption applications in their own names being legal heirs or legal representatives of the deceased-landowners; subject of course to any testamentary document created by the deceased.

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

03.11.2025 **(HARKESH MANUJA)**
sonika **JUDGE**

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