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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

RFA No. 1537 of 1997 (O&M)

Date of decision: 10.11.2025

Vinod Kumar Jain and others

...Appellants

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ashish Kapoor Advocate and
Mr. M.S. Rana, Advocate
for the appellants.

Mr. Abhinash Jain, Deputy Advocate General, Haryana
for the respondents.

HARKESH MANUJA, J. (ORAL)

The appellants-landowners, by instituting the present appeal preferred under Section 54 of the Land Acquisition Act, 1894 (**for short “1894 Act”**), are seeking modification of the award dated 01.04.1997 passed by learned Additional District Judge, Sonapat (**hereinafter to be referred as “Reference Court”**) for enhancement of compensation amount.

FACTS

[2] Briefly stating, some land owned by the appellants-landowners, situated within the revenue estate of Village Liwaspur, Hadbast No. 74, came to be acquired vide Notifications dated 06.05.1982 & 02.05.1985 issued under Sections 4 & 6 of the 1894 Act respectively, for the public purpose, namely, “development and

utilisation of the land for residential, commercial and industrial area at Sonapat". An Award under Section 11 of the 1894 Act was passed by the Land Acquisition Collector (**for short "LAC"**), whereby the market value of the Chahi land at the rate of Rs. 20,700/- per acre; Rs. 17,250/- per acre for Barani Rausli land; Rs. 14,950/- per acre of Banjar Quadim land; and Rs. 13,800/- per acre for Gair Mumkin land was awarded besides granting statutory benefits.

[3] Dissatisfied with the aforesaid Award, landowners / interested persons filed objections under Section 18 of the 1894 Act, which were decided on 01.04.1997 by the learned Reference Court, while granting increase at the rate of Rs. 15/- per square yard of the land irrespective of its kind. Hence, the present appeal.

CONTENTION(S):

ON BEHALF OF THE APPELLANT(S)-LANDOWNER(S)

[4] Learned counsel for the appellants submits that instead of placing reliance upon the two sale deeds Ex. P-5 & P-6 and subsequently taking average of the sale price per acre, learned Reference Court was required to take into account the highest of the sale exemplar which was sale deed dated 04.01.1982 (Ex. P-12), whereby 1 kanal 1 marla of land was sold at the rate of Rs. 37.75 per square yard. It has thus been submitted that the market value of the acquired land should have been assessed while taking into account the sale exemplar Ex. P-12.

No other point has been raised.

ON BEHALF OF THE RESPONDENT(S)-STATE OF HARYANA

[5] Learned counsel appearing on behalf of the respondents-State of Haryana submits that the sale exemplar Ex. P-12 pertained to a small parcel of land measuring 1 kanal 1 marla and as such, the determination of the market value made by the learned Reference Court while relying upon the sale instances Ex. P-5 & P-6, which pertained to comparatively large parcel of land, calls for no interference.

DISCUSSION AND REASONING

[6] After hearing learned counsel for the parties and gone through the relevant record/paper-book, I find substance in the submission(s) made on behalf of the appellants.

[7] In the wake of latest exposition of law laid down by the Hon'ble Apex Court in case of "***Hormal (Deceased) through his LRs and others Versus State of Haryana and others***", reported as **2024 (4) RCR (Civil) 758**, the highest of the sale instance pertaining to the similar nature and location of land needs to be taken into account for the purpose of determination of market value. Relevant para Nos. 27 to 29 from the decision passed in case of ***Hormal (supra)***, are extracted hereunder:-

"27. In the instant case, there are multiple sale deeds of smaller plots, and these represent the best available evidence for estimating compensation. Since there is no legal impediment to considering such sale deeds, the logical progression in the compensation estimation process would be to identify the most suitable sale deed(s) for determining the market value and subsequently, to apply adequate deductions on the

same. The solution to this state of flux may thus be found in the case of **Mehrawal Khewaji Trust v. State of Punjab, (2012) 5 SCC 432** where this Court laid down as follows:

"....It is clear that when there are several exemplars with reference to similar lands, it is the general rule that the highest of the exemplars, if it is satisfied that it is a bona fide transaction, has to be considered and accepted. When the land is being compulsorily taken away from a person, he is entitled to the highest value which similar land in the locality is shown to have fetched in a bona fide transaction entered into between a willing purchaser and a willing seller near about the time of the acquisition."

[Emphasis supplied]

28. This view has been reiterated in **Sh. Himmat Singh v. State of M.P., (2013) 16 SCC 392** where a three-judge bench of this Court consolidated various precedents to affirm that in circumstances where there are multiple sale deeds available for consideration, the Court shall rely on the highest valued exemplars unless the prices fall within a narrow range, in which case calculating an average of the values therein may be more congruous.

29. In these extenuating circumstances, there exists significant disparity among the sale exemplars presently under consideration. Amongst these sale exemplars, being Ex. P2-P8 and Ex. P10, the highest sale instance values the land at Rupees 1,81,33,867 per acre, whereas the lowest values it at Rupees 16,94,000 per acre. Given this wide range and in light of the judicial precedents cited above, we are of the opinion that we should rely upon the highest sale exemplar, which is Ex. P5, rather than solely depending upon an average of the multiple sale deeds produced before us. Despite the Respondents' vehement contention that Ex. P5 should not be relied upon owing to it being a significantly smaller parcel of

land- the detailed analysis conducted above indicates no reason why Ex. P5 cannot be utilised to determine the amount of compensation to be awarded to the Appellants for the acquired land.”

As such, no merit can be found in the submission(s) made on behalf of the respondents-State of Haryana, so as to place reliance upon the sale instances Exhibits P-5 & P-6, vide which the sale price comes to Rs. 26/- and Rs. 19.60 per square yard respectively.

[8] In the present case, all the sale exemplars produced on record by the respondents were rightly discarded by the learned Reference Court as the same for a consideration much lower than the Collector rate and were fetching price lesser than the sale instances produced by the appellants. On the other hand, the appellants-landowners have produced around 12 sale deeds; out of which sale deed dated 04.01.1982 (Ex.P-12) for area measuring 1 kanal 1 marla pertaining to the land forming part of the same revenue estate of Village Liwaspur against sale price of Rs. 37.75 per square yard being of similar nature, potential and geographical location as well as being the highest sale exemplar needs to be relied upon in terms of law laid down in case of ***Hormal (supra)***, especially when no evidence from the side of respondents has been produced so as to controvert the genuineness or *bona fide* of the said sale transaction.

[9] Further, considering the fact that the acquisition in the present case from the revenue estate of Village Liwaspur is relating to around 31 acres of land for the public purpose, namely “for development and utilization of the land for residential, commercial and

industrial area at Sonapat”, a cut @ 40% needs to be applied over the sale price of Ex. P-12; while considering its comparatively small area besides the costs towards development of the area by the respondents. Accordingly, the market value of the land under acquisition as on the date of notification under Section 4 of the 1894 Act comes to **Rs. 22.65 per square yard** [Rs. 37.75 x 40/100 = Rs. 15.10 (Rs. 37.75-15.10 = Rs. 22.65 per square yard)].

DECISION

[10] In the light of above, Award dated 01.04.1997 passed by the Reference Court is hereby modified. The landowners are held entitled to the market value as assessed above, i.e. **Rs.22.65 per square yard** alongwith consequential / statutory benefits and interest as provided in the 1894 Act (as amended up-to-date), especially the interest on solatium as well.

[11] **Disposed off** accordingly.

[12] Also, wherever the landowner(s) has/have unfortunately died in the appeal(s) / cross-objection(s) after filing thereof and the legal representatives have not been impleaded, they shall be at liberty to seek execution of the present decision by moving appropriate application(s) before the learned Executing Court.

[13] Pending miscellaneous application(s), if any, shall also stand disposed off.

November 10, 2025

‘dk kamra’

**(HARKESH MANUJA)
JUDGE**

Whether Speaking / Reasoned :	Yes	No
Whether Reportable :	Yes	No