



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

**RFA No. 254 of 1997 (O&M)
Date of Decision: 14.11.2025**

Ms. Raksha Bawa

...Appellant

Versus

The Land Acquisition Collector, Haryana State
Electricity Board, Ambala City and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rohit Mittal, Advocate, for the appellant / landowner
(through video-conferencing).

Mr. Jagdish Manchanda, Sr. Advocate, Addl. A.G., Haryana with
Mr. Gurpreet Jayia, Advocate
for the respondent(s).

HARKESH MANUJA, J. (ORAL)

The appellant-landowner, by instituting the present appeal preferred under Section 54 of the Land Acquisition Act, 1894 (**for short "1894 Act"**), seeks modification of the award dated 19.10.1996 passed by learned Additional District Judge, Ambala (**hereinafter to be referred as "Reference Court"**) for enhancement of compensation amount.

FACTS

[2] Briefly, the facts are that in pursuance of Haryana Govt. Notification under Section 4 of the 1894 Act issued on 10.01.1995, followed by Notification dated 17.01.1995 under Section 6 thereof, certain land owned by the appellant situated within the revenue estate of **Village Bitna, Hadbast No. 153,**

Tehsil Kalka, District Panchkula, was acquired. The public purpose for acquisition was stated to be “for 220 K.V. Double Circuit Kunihar Panchkula Tower Line”. The Land Acquisition Collector (**for short “LAC”**), vide Award No. 7, dated 08.03.1995, assessed the market value @ Rs.2,00,000/- per acre in respect of the acquired land alongwith other statutory benefits.

[3] Dissatisfied with the aforesaid Award, the appellant-landowner filed objections under Section 18 of the 1894 Act, which was decided/dismissed vide award dated 19.10.1996 by the learned Reference Court, while affirming the award passed by the LAC, whereby the market value of the acquired land was assessed at the rate of Rs. 2,00,000/- per acre. Hence, the present appeal.

CONTENTIONS:

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

[4] Impugning the aforementioned award dated 19.10.1996, learned counsel for the appellant submits that keeping in view the location of the land being situated just abutting the Kalka-Pinjore road, its market value was required to be re-assessed and enhanced. He also points out that the learned Reference Court went wrong having failed to rely upon the sale instance dated 20.01.1995 (Ex. P-2), which pertained to the same revenue estate of Village Bitna and three biswa of land there-under was sold for a sum of Rs.30,000/-. Thus, learned counsel for the appellant submits that the impugned award needs to be modified with grant of enhancement of market value in favour of the appellant.

ON BEHALF OF RESPONDENT(S)-STATE OF HARYANA

[5] On the other hand, learned Senior Counsel representing the respondents submits that the findings recorded by the learned Reference Court were based on appreciation of evidence available on record and thus, no interference is called for in the impugned award. Learned Senior Counsel also points out that the sale instance dated 20.01.1995 (Ex. P-2) related to the period subsequent to notification under Section 4 of the 1894 Act in the present case and thus, could not be relied upon, therefore, it is prayed that the present appeal is liable to be dismissed.

DISCUSSION AND REASONING

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

[7] In the present case, the geographical location of the land under acquisition being just half kilometre away from the Kalka-Pinjore road has been admitted by Sh. Jagmal Singh, Patwari, who appeared as RW-1. Besides it, the sale instance dated 20.01.1995 (Exhibit P-2) vide which three biswa of land was sold for a sum of Rs.30,000/- also pertained to the same revenue estate of Village-Bitna. In absence of any sale instance which is prior to the date of notification under Section 4 of the 1894 Act being available on record, the sale instance dated 20.01.1995 (Exhibit P-2) which is merely 10 days after the date of issuance of notification dated 10.01.1995 issued under Section 4 of the 1894 Act, needs to be relied upon.

[8] In the given facts, the reasoning recorded by the learned Reference Court while discarding Exhibit P-2 on the ground that its locational position, in comparison to the land under acquisition was not proved on record, is wholly misplaced as the land under acquisition and that under the sale instance dated 20.01.1995 (Exhibit P-2) pertain to the same very revenue estate and there is no evidence produced on record from the side of respondents to show that there was any dis-similarity on the count of nature of potentiality between the two parcels.

[9] Moreover, no evidence at all has been produced on record by the respondents to show that the sale instance dated 20.01.1995 (Exhibit P-2) was not a *bona fide* or genuine transaction and was created for a *mala fide* purpose of obtaining higher compensation by the landowner in collusion with the vendors and vendees. In absence of any such evidence, the sale instance dated 20.01.1995 (Exhibit P-2) has to be relied upon being a *bona fide* transaction pertaining to the land of similar nature and potential as that of the acquired land.

DECISION

[10] Accordingly, the market value of the land under acquisition as on the date of notification under Section 4 of the 1894 Act is assessed **@ Rs.10,000/- per biswa**. In the present case, no cut is required to be imposed over the sale price derived from Exhibit P-2 towards smallness of area involved therein as the total land under acquisition is merely 10 biswas, whereas the sale instance dated 20.01.1995 (Exhibit P-2) pertains to 3 biswas of

land. Furthermore, even no cut is required to be imposed towards development cost as the acquisition has been made for “220 K.V. Double Circuit Kunihar Panchkula Tower Line” and as such, the respondents are not going to suffer any loss of land or incurring of cost towards providing of additional infrastructural amenities etc. The appellant-landowner is also awarded 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] Pending miscellaneous application(s), if any, shall stand(s) disposed off.

November 14, 2025
‘dk kamra’

(HARKESH MANUJA)
JUDGE

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