

RFA No.894 of 1997 (O&M)

2025:PHHC:164004



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RFA No.894 of 1997 (O&M)
Date of Decision: 26.11.2025

SMT. RANJANA GUPTA

.....Appellant

Vs

STATE OF HARYANA AND ANR.

...Respondent(s)

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: None for the appellant/landowner.

Mr. Jagdish Manchanda, Addl. A.G., Haryana.

HARKESH MANUJA, J. (Oral)

[1]. By way of present appeal, challenge has been laid to the Award dated 13.12.1996 passed by the learned District Judge, Faridabad (hereinafter to be referred as the 'Reference Court'), whereby Reference Petition filed under Section 18 of the Land Acquisition Act, 1894 (for short 'the 1894 Act') at the instance of the landowner was partly allowed while granting benefit of enhanced market value @ Rs.150/- per square yard *qua* the acquired land besides award of statutory benefits/interest as provided under the 1894 Act.

[2]. Briefly stating, in the present case, land measuring 1.76 acres situated within the revenue estate of village Jharsantly, Hadbast No.44, Tehsil Ballabhgarh, District Faridabad, came to be acquired vide Notifications dated 26.08.1992 and 18.06.1993 issued under Sections 4 & 6 of the 1894 Act respectively for the public purpose namely for the development and utilization of land as Industrial Area, Sector-58, Faridabad, followed by an Award passed by the Land Acquisition

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Collector (for short 'the LAC') on 16.06.1995, thereby determining the market value of the acquired land @ Rs.1,00,000/- per acre.

[3]. Aggrieved thereof, the appellant-landowner invoked Reference under Section 18 of the 1894 Act, which came to be partly allowed by the learned Reference Court vide its award dated 13.12.1996, while granting enhanced compensation @ Rs.150/- per square yard *qua* the acquired land besides award of all other statutory benefits/interest in her favour under the 1894 Act.

Dis-satisfied with the Award passed by the learned Reference Court, the present appeal was preferred at the instance of landowner.

[4]. No one appears on behalf of the appellant-landowner. I have heard learned State counsel and gone through the paper book as well as records of the case.

[5]. A perusal of the record shows that the learned Reference Court while awarding benefit of market value @ Rs.150/- per square yard relied upon the previous Award/judgment dated 26.09.1995 (Ex.P-2) relating to acquisition of land for the similar purpose i.e. for the development and utilization of land as Industrial Area in Sector-58 Faridabad-Ballabhgarh controlled area.

[6]. It has not been disputed by learned State counsel that assessment of market value @ Rs.150/- per square yard made vide Award dated 26.09.1995 (Ex.P-2) was later enhanced/alterd to Rs.165/- per square yard by this Court in RFA No.2263 of 1995 vide decision dated 13.02.2001. Relevant paragraph thereof is extracted hereunder:-

"In this view of the matter, I hold and decide that the market value of the land in question on the date of the notification was Rs.165/- per square yard and the land owners shall be entitled to the compensation at this rate.

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Apart from this, the land owners are also entitled to the other statutory benefits under Section 23 (1-A) and 28 of the Act. They shall also be entitled to solatium at the rate of 30%. The finding of the District Judge on issue No.1 are modified to this extent. Consequently, the appeals filed by the State are hereby dismissed and the appeals of the land owners are allowed in part in the light of the observations and indication given above. There shall be no order as to costs in any of the appeals. The enhanced compensation shall be paid by the State of Haryana within three months."

[7]. Further, perusal of the record shows that the aforementioned assessment made by this Court in RFA No.2263 of 1995 though related to same purpose and of the same revenue estate, however Notification under Section 4 of the 1894 Act in the said case was issued on 26.12.1988 whereas in the present case, Notification under Section 4 of the 1894 Act was issued on 26.08.1992. As such considering the fact that the land under acquisition formed part of Faridabad-Ballabhgarh controlled area, a cumulative escalation @ 12% needs to be applied for the time gap between the two notifications i.e. from 26.12.1998 to 26.08.1992 over the base price of Rs.165/- per square yard which comes to Rs.250.35/- per square yard.

[8]. Accordingly, the market value for the land under acquisition is assessed @ Rs.250.35/- per square yard. In addition, the landowner shall also be entitled for award of all other statutory benefits and interest as provided under the provisions of the 1894 Act (amended upto to date). The landowner shall also be entitled for solatium @ 30% besides award of interest thereupon as well.

[9]. Consequently, in view of the discussion made herein above, the present appeal preferred at the instance of appellant-landowner is hereby partly allowed in the aforesaid terms.

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[10]. 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 application(s) before the learned Executing Court.

[11]. All pending application(s), if any, shall also stand disposed of.

[12]. Registry is directed to send a certified copy of this order to the appellant.

November 26, 2025
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(HARKESH MANUJA)
JUDGE

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