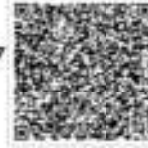


2025:PHHC:152237



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

Decided on:-31.10.2025

1. RFA-1888-2000 (O&M)

The State of HaryanaAppellant.

vs.

Ramzan and anotherRespondents.

2. RFA-1889-2000 (O&M)

State of Haryana ..Appellant...

vs.

Rujdar @ Rozdar and others ..Respondents...

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Abhishek Yadav, DAG, Haryana.

Mr. Sumeet Jain, Advocate,
for the respondents-landowners.

HARKESH MANUJA J. (Oral)

1. Vide this common judgment, the aforementioned two Regular First Appeals are being decided as all have arisen out of the same award.

1.2 For convenience, the facts are being taken from RFA-1888-2000 (O&M).

2. By way of present appeals, challenge has been laid to an Award dated 02.05.2000 passed by the learned Additional District Judge, Gurgaon (for short, "Reference Court"), whereby, reference petition(s) preferred at

the instance of respondents-landowners invoking Section 18 of the Land Acquisition Act, 1894 (for brevity, "1894 Act"), were partly allowed.

3. Brief facts of the case are that some land owned by the respondents-landowners, situated in the revenue estate of Village Rupa Heri, Tehsil Nuh, District Gurgaon was acquired vide notification dated 29.10.1987 published on 17.11.1987, under Section 4 of the 1894 Act and the notification dated 24.05.1988 published on 07.06.1988, issued under Section 6 thereof, for the public purpose, namely, construction of Rojka to Basai Road. The Land Acquisition Collector vide its Award, assessed the market value of the acquired land at the rate of Rs.30,080/- per acre for *chahi* land and Rs.15,040/- for *gair mumkin nala* per acre.

4. Aggrieved of the same, the respondents-landowners invoked separate reference petition(s) under Section 18 of the 1894 Act, seeking enhancement of compensation. Upon consideration of the material available on record, the Id. Reference Court vide its Award dated 02.05.2000, enhanced the compensation to Rs.1,31,680/- per acre besides grant of all other statutory benefits.

5. Feeling dissatisfied with the aforesaid Award passed by the Id. Reference Court, the appellant-State of Haryana preferred the aforementioned appeals.

6. Impugning the aforementioned award, learned State counsel submits that the Id. Reference Court went wrong while determining the market value, having taken the average of sale price of two sale instances Ex.P1 and Ex.R1. He further submits that since the two sale instances were of small parcels measuring 05 marlas and 15 marlas respectively, as such, an

appropriate cut towards the smallness of area with regards to such sale instance was required to be applied and the market value should have been assessed, accordingly. No other argument has been addressed.

7. On the other hand, learned counsel appearing on behalf of the respondents-landowners submits that though no cross-objections/cross-appeals were preferred at the instance of respondents-landowners, however, based on the evidence available on record in the shape of sale instance Ex.R1 dated 20.11.1986 been relied upon by the appellant-State of Haryana, the market value should have been assessed @ Rs.1,35,360/- per acre. He further submits that since there was a time gap between the sale instance dated 20.11.1986 and the date of notification under Section 4 of the 1894 Act in the case in hand i.e. 17.11.1987, appropriate appreciation should have been applied and consequently, the market value should have been assessed accordingly. He thus submits that no interference is called for in the impugned award.

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

9. In the present case, while relying upon the two sale instances Ex.P-1 (dated 04.06.1987) and Ex.R-1 (dated 20.11.1986) having taken average of the said two sale instances, the market value of the acquired land has been assessed @ Rs.1,31,680/- per acre. Considering the fact that the acquisition in the present case was carried out for the purpose of laying down of village road, as such, the appellant-State was not going to suffer any loss of land or cost towards providing of any additional infrastructure.

Consequently, no merit can be found in the submissions made on behalf of

the appellant-State about any development cut to be imposed.

10. Moreover, in the given facts and circumstances, the appellant themselves have relied upon the sale instance Ex.R-1, as per which, the sale price of the land abutting/joining the acquired land was around Rs.1,35,360/- per acre as on 20.11.1986. When reasonable appreciation @ 12% is applied for the time gap between the date of sale instances till the date of notification under Section 4 of the 1984 Act, which is 12 months in the present case and subsequently, since, sale instance Ex.P1 pertains to 15 marlas of land, comparing it to the land under acquisition which is 4 kanals, a cut of 10% is applied, then, the price per acre would have come to be the same. In such circumstances, no interference is called for with the award passed by the Id. Reference Court. Accordingly, the appeals preferred at the instance of State are hereby, dismissed.

11. Pending application, if any, also stands disposed of.

31.10.2025
sonika

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No