

2025:PHHC:105977



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

Decided on:-12.08.2025

1. **RFA-1896-1998 (O&M)**

Ram Singh and others

....Appellants..

vs.

Haryana State thr. Executive Engineer,
PWD (B&R), Hisar and another

....Respondents.

2. **RFA-4253-1998 (O&M)**

Ishwar Singh and others

....Appellants..

vs.

Haryana State thr. Land Acquisition Collector,
PWD (B&R), Hisar and another

....Responde

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Jai Parkash Dhull, Advocate,
for the appellants (in both appeals).

Mr. Abhinash Jain, DAG, Haryana.

HARKESH MANUJA J. (Oral)

1. Vide this common judgment, the aforesaid two appeals are
being decided as both have arisen out of the same award.

1.2 For convenience, the facts are being taken from RFA-1896-
1998 (O&M).

2. By way of present appeal, challenge has been laid to an award
dated 22.01.1998 passed by the Reference Court-cum-Additional District

Judge, Kaithal, whereby, reference petition preferred at the instance of appellants-landowners having invoked Section 18 of the Land Acquisition Act, 1894 (*for brevity, "1894 Act"*), was dismissed.

2. Brief facts of the case are that certain land owned by the appellants-landowners, situated in the revenue estate of Village Sisle-Sismore, District Kaithal, came to be acquired vide notification dated 06.09.1994, issued under Section 4 of the 1894 Act, for the public purpose i.e. for construction of Pai to Harsola Road. Total land under acquisition was 2.83 Acres. Vide award No.18-A dated 19.07.1995, the Land Acquisition Collector assessed the market value of *Nehri* land at the rate of Rs.1 lac per acre and of *Barani* land at the rate of Rs.80,000/- per acre.

3. Aggrieved of the award passed by the Land Acquisition Collector, appellants-landowners along with others 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 Reference Court dismissed the petition(s) while holding that the Land Acquisition Collector, rightly assessed the market value of the *Nehri* land at the rate of Rs.1 lac per acre and of *Barani* land at the rate of Rs.80,000/- per acre. Feeling dissatisfied with the aforesaid award passed by the Reference Court, the appellant(s) have preferred aforementioned appeals.

4. Impugning the aforementioned award dated 22.01.1998 passed by the Reference Court, learned counsel for the appellant(s) submits that while making the assessment of compensation, the sale deeds Ex.P-2 and P-3 both dated 23.05.1994, vide which 03 acres of land was sold at the rate of Rs.1.30 lacs per acre and 28 kanals of land was sold at the rate of Rs.1.35 lacs per acre respectively, were not taken into account. He thus, submits that

by applying proportionate increase of 12% per annum for the period between the date of the aforementioned sale deeds and the date of notification under Section 4 of the 1984 Act in the present case, the market value should have been assessed by the learned Reference Court.

5. On the other hand, learned counsel representing the respondent-State submits that the impugned award passed by the learned Reference Court calls for no interference as appellants-landowners have already been awarded suitable compensation. He further submits that even the sale deeds proved on record at the instance of respondent Ex.R-1 to R-3 have not been relied upon and submits that the present appeals are, therefore, liable to be dismissed.

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

7. In view of the settled proposition of law, the sale exemplar fetching maximum sale consideration needs to be relied upon for the purpose of determination of compensation in favour of the land owners. From the record, it can be discerned that the sale deed dated 23.05.1994, which was proved on record as Ex.P-3, 28 kanals of land falling within the same revenue estate of Village Sisle-Sismore was sold @ Rs.1.35 lac per acre and as such, the same was required to be taken into consideration being the most reliable and appropriate sale exemplar by the learned Reference Court. Furthermore, since the sale exemplar Ex.P-3 was 23.05.1994, whereas, the notification under Section 4 of the Act was issued in the present case on 06.09.1994 i.e. after a gap of around 4 months, as such, appreciation of 4% needs to be granted in favour of the appellant(s)/landowners over and above the sale consideration i.e. Rs.1.35 lacs and after adding the same, the

valuation comes to Rs.1,40,400/- per acre. Besides it the sale deeds Ex. R-1 to R-3, which have been relied upon at the instance of respondent-State need to be discarded for two reasons; firstly the same relates to the year 1990 i.e. around 4 years prior to the date of notification and secondly, the sale exemplar fetching highest sale consideration need to be relied upon while ignoring all other sale instances.

8. As such, in view of the discussion made herein above, the appellant(s)- landowners shall be entitled for market value at the uniform rate of Rs.1,40,400/- per sq. yard. It may be pointed out that since the acquisition in the present case has been made for the purposes of laying down a road, as such, there is no question of any loss of land or cost towards any other infrastructural development and accordingly, the present is a fit case where no development cut needs to be applied over the sale price under the sale exemplar Ex.P-3, especially, when the same relates to a comparatively big chunk measuring 28 kanals. The appellants-landowners shall also be entitled for all other statutory benefits and interest as per the provisions of 1894 Act.

9. Accordingly, both the appeals stand disposed of in the aforesaid terms.

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

12.08.2025

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No