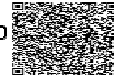


2025:PHHC:165650



RFA No.800 of 2000 with XOBJR-88-CI-2000 (O&M)

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

227

1.

RFA No.800 of 2000 (O&M) with
XOBJR No.88-CI of 2000 (O&M)
Date of Decision: 28.11.2025

THE STATE OF HARYANA AND ANR.**.....Appellants****Vs****SMT. JANKI DEVI (DECEASED) TH. LRS AND OTHERS ...Respondent(s)****CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA***

Present: Mr. Abhinash Jain, D.A.G., Haryana
 for the appellants.

Mr. Adarsh Jain, Sr. Advocate with
Ms. Kamaldeep Kaur, Advocate
Mr. Harpreet Singh, Advocate
for the cross-objectors/landowners.

HARKESH MANUJA, J. (Oral)**CM No.4734-CI of 2023**

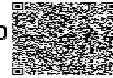
Prayer made in the application is for impleading the applicant(s) as legal heir(s) of respondent Nos.1 and 2 (deceased).

For the reasons mentioned in the application, the same is allowed, subject to all just exceptions and the applicant(s) as mentioned in paragraph 2 and 3 of the application are ordered to be impleaded as legal heir(s) of respondent Nos.1 and 2 (deceased) in order to pursue the present case. Amended memo of parties is taken on record. Registry to do the needful.

Main case

2. By way of filing the present appeal challenge has been laid to a decision dated 21.01.2000 passed by the learned Additional District Judge, Faridabad-cum-Reference Court.

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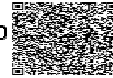
RFA No.800 of 2000 with XOBJR-88-CI-2000 (O&M)

3. Briefly stating, 50K-15M of land owned by the claimants/ landowners, situated within the revenue estate of Village Badshahpur, Tehsil and District Faridabad came to be acquired vide notifications dated 18.04.1994 and 21.07.1994 issued under Sections 4(1) and 6 of the Land Acquisition Act, 1894, (for short 'the Act'), respectively, for construction of "Sewerage Treatment Plot" under Yamuna action plan. The Land Acquisition Collector (for short 'the LAC') vide award dated 15.12.1995, assessed the market value of the acquired land @ Rs.60,000/- per acre.

4. Dissatisfied with the aforesaid award, the respondents/ landowners filed reference petition invoking Section 18 of the Act, which came to be disposed of by the learned Reference Court vide award dated 21.01.2000 determining the market value of the acquired land @ Rs.150/- per sq. yards i.e. Rs.7,40,000/- per acre besides all other statutory benefits under the Act.

5. Aggrieved of the Award passed by the learned Reference Court, the present appeal was preferred at the instance of respondent State, whereas cross-objections were filed at the instance of respondents/landowners.

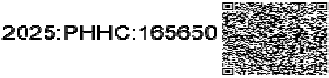
6. Impugning the aforementioned Award, learned counsel for the appellants-State submits that the Reference Court went wrong having relied upon the Award dated 30.04.1999 made by the learned Reference Court in respect of acquisition of land made in village Badshahpur for the same purpose but by a subsequent acquisition vide notification dated 22.12.1995 issued under Section 4 of the 1894 Act. It is also argued that Ex.R-1 to Ex.R-5 produced by the State have not been considered. He thus submits that the award passed by the learned Reference Court was liable to be set aside by restoring the award passed by the LAC.



7. On the other hand, learned Senior counsel appearing on behalf of respondents/ landowners/cross-objectors submits that the learned Reference Court went wrong while discarding the sale instances Exs.P3 and P4, each dated 11.05.1990 vide which area measuring 15 sq. yards and 135 sq. yards, respectively, falling in the revenue estate of Village Palwali were sold at the rate of Rs.360/- per sq. yards. He submits that the revenue estate of Village Palwali abuts and adjoins Village Badshahpur, thus the sale instances Exs.P3 and P4 were required to be taken into account by applying appropriate deduction thereupon towards the smallness of land parcel involved therein. Learned Senior Counsel also emphasizes that relying upon sale instances Exs.P3 and P4, the respondents/landowners were also entitled for appreciation for the time gap between the date of sale instances and the date of notification under Section 4 of the Act in the case in hand and thus the market value was required to be enhanced accordingly.

8. I have heard learned counsel for the parties and gone through the paper-book as well as records of the case.

9. A perusal of the record shows that Ex.R-1 to R-5 produced by the State are all post notification and, thus cannot be taken into consideration. The learned Reference Court while making the re-determination of market value @ Rs.150/- per sq. yards, relied upon the previous Reference Court Award dated 30.04.1999 related to village Badshahpur. The learned Reference Court could have safely placed reliance upon the sale exemplars Ex.P3 & Ex.P4 dated 11.05.1990 each, though pertaining to the revenue estate of Village Palwali especially when it is not disputed by the learned State counsel that the revenue estate of Village Badshahpur and Village Palwali are abutting and adjoining being situated in the same vicinity and the said fact has even been established on record from the



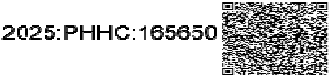
deposition of Dalip Kumar, Halqa Patwari, Villages Wazirpur and Palwali. The details of the two aforementioned sale deeds are extracted hereunder:-

Exs.	Date	Total area	Price per sq. yard	Total sale consideration
P3	11.05.1990	15 sq. yards	Rs.360/-	Rs.5400/-
P4	11.05.1990	135 sq. yards	Rs.360/-	Rs.48600/-

In support, reliance can be placed upon a decision dated 05.12.2001 passed in Civil Appeal No.4668 of 1998, titled as *“M/s Delhi Colonizers Vs. Union of India”*, wherein the Hon’ble Apex Court went on to hold that the sale deeds or awards relating to adjoining villages could be relied upon as relevant piece of evidence for the purpose of determination of market value in case the sale exemplars of the concerned villages were not available.

10. Furthermore, considering the fact that the sale instances Exs.P3 and P4 are dated 11.05.1990; whereas notification under Section 4 of the Act in the case in hand was issued on 18.04.1994; the time gap between the sale exemplar and the notification under Section 4 of the Act is 4 years, an appreciation @ 8% per annum, thus needs to be granted in favour of landowners on the sale price of Exs.P3 & P4. However, taking into account the smallness of the area involved in the sale exemplar Exs.P3 & P4, which is 15 sq. yards and 135 sq. yards, respectively and the land under acquisition being around 70 kanals, an appropriate cut of 50% needs to be applied towards the smallness of area of the sale exemplars.

11. However, in the case in hand, since the acquisition is for the purpose of construction of Sewerage Treatment Plant under Yamuna Action Plan and the



State thus, did not suffer any loss towards optimum utilization of area acquired or did not suffer any expenses for providing additional infrastructural amenities like roads, parks, green belts or community buildings etc. no cut is required to be imposed towards development cost.

12. In view of the reasoning recorded hereinabove, the market value of the acquired land as on the date of notification under Section 4 of the Act in the case in hand by taking into account the sale exemplars Exs.P3 and P4 and upon appreciation of 8% per annum for the time gap between the date of sale instance to the date of issuance of notification under Section 4 of the Act and after applying cut of 50%, the market value comes to Rs.237.60 per square yard.

13. Consequently, the appeal filed by the appellants-State is hereby dismissed; whereas the cross-objections preferred at the instance of respondents/landowners are hereby partly allowed.

14. Pending misc. application(s), if any, shall also stand disposed of.

November 28, 2025
Atik

(HARKESH MANUJA)
JUDGE

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