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RFA No.2013 of 1999 (O&M) with other connected cases

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

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1.

RFA No.2013 of 1999 (O&M)

Date of Decision: 13.11.2025

BALJEET SINGH

.....Appellant

Vs

STATE OF HARYANA AND ANOTHER

...Respondent(s)

2.

RFA No.2055 of 1999 (O&M)

NORANG SINGH @ NARANGU

.....Appellant

Vs

STATE OF HARYANA AND ANOTHER

...Respondent(s)

3.

RFA No.142 of 2000 (O&M)

PARTAP SINGH

.....Appellant

Vs

STATE OF HARYANA AND ANOTHER

...Respondent(s)

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

Present: Mr. Deepak Singh Saini, Advocate
for the appellant(s)/landowner(s).

Mr. Abhinash Jain, D.A.G., Haryana.

HARKESH MANUJA, J. (Oral)

[1]. Vide this common order, all the aforementioned appeals are being decided as the same have arisen out of common acquisition/Award involving identical facts and question of law. For the sake of brevity, facts are being taken from RFA No.2013 of 1999.

[2]. By way of present appeal(s), challenge has been laid to the Award dated 09.04.1999 passed by the learned Addl. District Judge, Kurukshetra (hereinafter to be referred as the 'Reference Court'), whereby Reference Petition



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filed under Section 18 of the Land Acquisition Act, 1894 (for short 'the 1894 Act') at the instance of the landowner(s) was partly allowed while granting him enhanced compensation @ Rs.2,00,000/- per acre *qua* the acquired land besides awarding other statutory benefits/interest under the 1894 Act.

[3]. Briefly stating, in the present case(s), certain land owned by the appellant(s) situated within the revenue estate of village Moja Dara Kalan, Tehsil Thanesar, District Kurukshetra, came to be acquired vide Notifications published on 22.12.1987 and 29.11.1988 issued under Sections 4 & 6 of the 1894 Act respectively for the public purpose namely for construction of road from Salarpur road to village Kirmatch. An Award was passed by the Land Acquisition Collector (for short 'the LAC') on 27.06.1989 thereby determining the market value of the acquired land @ Rs.1,18,000/- per acre.

[4]. Aggrieved thereof, the appellant(s)-landowner(s) invoked Reference under Section 18 of the 1894 Act, however the same was partly allowed while granting enhanced compensation @ Rs.2,00,000/- per acre *qua* the acquired land besides awarding other statutory benefits/interest under the 1894 Act. Being dis-satisfied against the aforesaid Award, the present appeals were preferred at the instance of landowner(s).

[5]. Impugning the aforesaid Award, learned counsel for the appellant(s) submits that though the market value in the present case(s) was increased to Rs.2,00,000/- per acre by the learned Reference Court, however it failed to take into account the Award dated 30.03.1993 (Ex.P-6) passed by it in case of acquisition of land pertaining to the land of same revenue estate of village Dara Kalan, Tehsil Thanesar, District Kurukshetra notified on 15.09.1987 under Section



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4 of the 1984 Act and the market value was assessed @ Rs.2,70,816/- per acre. Learned counsel thus submits that similar market value was required to be awarded in favour of the appellant(s)/landowner(s) as the acquisition in the present case(s) was related to that very revenue estate of village Dara Kalan and the Notification under Section 4 of the 1894 Act was just two months after the notification in case of Award dated 30.03.1993 (Ex.P-6).

[6]. On the other hand, learned State counsel submits that the no interference was called for in the Award passed by the learned Reference Court as sufficient reasons were recorded in the impugned order so as to justify the non-reliance upon Award dated 30.03.1993 (Ex.P-6) for the purpose of determination of market value in the case(s) in hand. Learned State counsel thus, submits that the appeal(s) preferred by the appellant(s)/landowners was liable to be set aside.

[7]. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the appellant(s)/landowner(s).

[8]. Admittedly, the acquisition in the present case(s) relates to the land forming part of revenue estate of village Dara Kalan, Tehsil Thanesar, District Kurukshetra for the public purpose namely for construction of road from Salarpur road to village Kirmatch. It was recorded by the learned the learned Reference Court that the determination made in the Award dated 30.03.1993 (Ex.P-6) pertaining to the market value assessed as on 15.09.1987 though related to the same revenue estate of village Dara Kalan yet could not be relied upon for the present acquisition proceedings on the ground that the acquisition in the said case (Ex.P-6) was for widening of path and for making the *kacha* berms on both sides

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thereof and that the land in the said acquisition was of different potential being already adjoining to the existing path. The said reasoning recorded by the learned Reference Court was wholly unjustified in the facts and circumstances of the present case(s) as in the case(s) in hand also the land situated within the revenue estate of village Dara Kalan has been acquired for the purpose of widening of already existing consolidation path and this fact has been duly admitted by the respondents in their written statement filed before the learned Reference Court.

The relevant extract thereof is reproduced hereunder:-

“1. That the State of Haryana had constructed the link road on the existing consolidation path (Thorough Fare) for the convenience of the residents and land owners on their request according to the design prescribed by the Govt. The additional land had been acquired along with path as the width of path was not sufficient to maintain the road. Due to construction of pucca road this area has developed, as it was not possible for some one to move from one place to other during the rainy season or otherwise because the land and village was inaccessible due to kacha path. Construction of road has greatly benefitted the land owners and residents. XXX XXX XXX”

[9]. Accordingly, once it was established on record that the acquisition of land was for the purpose of construction of link road by widening of the edges of already existing consolidation path and was thus of similar nature and potential as that of forming part of acquisition carried out vide previous notification dated 15.09.1987 issued under Section 4 of the 1894 Act, it was safe to rely upon the Award dated 30.03.1993 (Ex.P-6) pertaining to the aforementioned notification i.e. 15.09.1987 wherein the land forming part of the same revenue estate of village Dara Kalan was acquired. Therefore, same market value @ Rs.2,70,816/- per acre is awarded to the appellant(s)/landowners in the present acquisition carried out in

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terms of notification dated 22.12.1987 published under Section 4 of the 1894 Act pertaining to the same revenue estate of village Dara Kalan. Moreso, when the determination made vide Award dated 30.03.1993 (Ex.P-6) already stands affirmed by this Court vide judgment dated 02.09.2015 passed by this Court in RFA No.205 of 1995 titled ‘Gopal Krishan and another Vs. Land Acquisition Collector and another.’

[10]. Accordingly in view of aforesaid discussion, all the appeals preferred at the instance of appellant(s)-landowner(s) are hereby partly allowed in the aforesaid terms. Consequently, the market value for the land under acquisition is assessed @ Rs.2,70,816/- per acre. In addition, the landowner(s) shall also be entitled for award of all statutory benefits and interest as provided under the provisions of the 1894 Act (amended upto to date). The landowner(s) shall also be entitled for solatium @ 30% besides award of interest thereupon as well.

[11]. Further, 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.

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

November 13, 2025

Atik

Whether speaking/reasoned

Whether reportable

(HARKESH MANUJA)

JUDGE

Yes/No

Yes/No