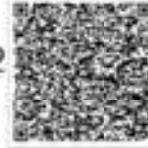


2025:PHHC:173372



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

Decided on:-09.12.2025

1. RFA-2256-1999 (O&M)

MukhtiariAppellant.

vs.

State of Haryana and anr.Respondents.

2. RFA-2257-1999 (O&M)

Karamjit (now deceased) thr. his LRs and othersAppellants.

vs.

State of Haryana and anr.Respondents.

3. RFA-2576-1999 (O&M)

Badan Kaur (deceased) thr. her LRs and others ...Appellants.

vs.

State of Haryana and anr. ...Respondents

4. RFA-3077-1999 (O&M)

Surjan and othersAppellants.

vs.

State of Haryana and ors. ...Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Shiv Kumar, Advocate for the appellants-landowners.

Mr. Abhishek Yadav, DAG, Haryana.

HARKESH MANUJA J. (Oral)

CM-2679-CI-2024 in RFA-2257-1999

1. Prayer in this application is for impleading the legal representatives of appellant No.1-Karamjit @ Karamjeet, who died on 02.01.2020.
2. Notice of the application.
3. Mr. Abhinash Jain, DAG, Haryana accepts notice of the application and raises no objection to the prayer made in the application.
4. Having heard learned counsel for the parties and gone through the contents of the application, prayer made herein is allowed and persons mentioned in para 2 of the application are ordered to be impleaded as the legal representatives of appellant No.1-Karamjit @ Karamjeet (now deceased).
5. Amended memo of parties is taken on record.

Main cases

1. This common judgment, shall dispose of the aforementioned four connected Regular First Appeals, as they all involve common question of law and facts.
 - 1.1 For convenience, the facts are being taken from ***RFA-2256-1999 (O&M)***.
2. By way of present appeal, challenge has been laid to an Award dated 02.12.1998 passed by the learned Additional District Judge, Faridabad (for short, "Reference Court"), whereby, reference petition(s) preferred at the instance of appellants-landowners invoking Section 18 of the Land Acquisition Act, 1894 (for brevity, "***1894 Act***"), were partly accepted.
3. Brief facts of the case are that some land owned by the

appellants-landowners, situated in the revenue estate of Village Samaipur Hadbast No.43, Tehsil Ballabhgarh, District Faridabad, came to be acquired vide notification published on 21.08.1994, under Section 4 of the Land Acquisition Act, 1894 (for short, “the 1894 Act”), for the public purpose namely, for construction of road from Ballabhgarh to Samaipur. The Land Acquisition Collector vide its Award dated 20.03.1986, assessed the market value of the acquired land at the rate of Rs.60,000/- per acre for *chali* land and Rs.40,000/- per acre for unirrigated land.

4. Aggrieved of the Award passed by the Land Acquisition Collector, appellant(s)-landowner(s) preferred reference petition(s) under Section 18 of the 1894 Act, seeking enhancement of compensation. Upon consideration of the material available on record, the learned Reference Court vide its award dated 02.12.1998, partly allowed the references thereby granting the enhanced compensation @ Rs.1,50,000/- per acre along with all other statutory benefits under the 1894 Act.

5. Feeling dissatisfied with the aforesaid decision of the learned Reference Court, the appellants-landowners preferred the aforementioned appeals.

6. Impugning the aforementioned Award, learned counsel for the appellants-landowners submits that though the learned Reference Court rightly placed reliance upon the sale deed dated 18.07.1983 (Ex.P1) vide which, 2 kanal 4 marlas of land was sold at the rate of Rs.45,000/- with base price per acre was Rs.1,63,636/-, however, it neither awarded any appreciation for the time gap between the date of sale instance Ex.P-1 upto the date of notification under Section 4 of the 1894 Act in the present case

(published on 21.08.1994), whereas, on the contrary, the Reference Court

went on to award lesser market value @ Rs.1,50,000/- per acre instead of the sale price per acre derived from sale exemplar Ex.P1 and thus, the impugned award is required to be modified.

7. On the other hand, learned counsel for the respondents-State submits that the award passed by the learned Reference Court was based on proper appreciation of pleadings and evidence available on record thus, the same calls for no interference.

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

9. A perusal of record shows that a positive finding of fact has been recorded by the learned Reference Court with respect to the residential, industrial and commercial potential attached to the acquired land. The said finding recorded in para 8 of the impugned Award is extracted hereunder:-

“8. I have gone through the authorities cited by the learned counsel for the petitioners, the submissions made from both the sides and the evidence adduced and come to conclusion that the LAC fell into an error awarding compensation at the rate of market value supplied by the Collector of Faridabad District. He failed to take into count the potential value of the acquired land. Ex.P2 the site plan shows that the acquired land is surrounded by the Industries, Residential colonies and commercial Establishment. Thus, the market value of the Acquired land is to be assessed considering the same having potential values.”

9.1 The aforesaid finding has not been assailed by the respondents either by way of any cross-appeal or cross-objection and thus, the same presumed to be correct being un-rebutted.

10. Furthermore, it has also come on record that the land parcel forming part of sale instance Ex.P-1 fell within the close vicinity of the acquired land and thus, was of the similar nature, location and potential. As per the record, vide sale instance Ex.P-1 dated 18.07.1983, 2 kanal 4 marlas of land was sold for Rs.45,000/- with base price per acre was Rs.1,63,636/-.

10.1 In the given facts when the acquired land possessed residential, industrial and commercial potential, for the time gap of more than 01 year between the sale instance dated 18.07.1983 (Ex.P1) and the notification under Section 4 of the 1894 Act issued in the present case on 21.08.1994, an appreciation @ 8% needs to be awarded and as such, the sale price per acre as on the date of notification under Section 4 of the 1894, comes to Rs.1,76,726/- per acre.

11. In the present case wherein the total land acquired/utilized was merely 17 kanals 10 marlas, no deduction towards the smallness of area forming part of sale deed Ex.P1 was required to be applied as the same was measuring 2 kanals 4 marlas.

12. Furthermore, in view of the fact that the acquisition in the present case related to the public purpose namely, for the construction of road from Ballabgarh to Samaipur, respondent-State did not suffer any loss of land or incurred any cost towards providing of additional infrastructural amenities, thus, no development cut was required to be applied.

13. Accordingly, in view of the above, the appellants-landowners are entitled for the enhanced market value of their acquired land at the rate of Rs.1,76,726/- per acre along with all other statutory benefits and interest, including the benefit of interest on solatium as well.

14. In view of the aforesaid discussion, the appeals filed at the

instance of appellants-landowners are partly allowed.

15. Further, in case of unfortunate demise of any of the appellants-landowners, if the legal heir(s)-legal representative(s) have not been brought on record, they shall be entitled for filing exemption applications in their own names being legal heirs or legal representatives of the deceased-landowners; subject of course to any testamentary document created by the deceased.

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

09.12.2025
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(HARKESH MANUJA)
JUDGE

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