

2025:PHHC:109958



106 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Decided on:-21.08.2025

1. RFA-1875-2002 (O&M) with XOBJR-49-CI-2003

State of Haryana and othersAppellants..

VS.

Ashok Kumar and anotherRespondents.

2. RFA-1876-2002 (O&M) with XOBJR-47-CI-2003

State of Haryana and othersAppellants..

VS.

ShakuntlaRespondent.

3. RFA-1877-2002 (O&M) with XOBJR-48-CI-2003

State of Haryana and othersAppellants..

VS.

Ram Sarup and othersRespondents.

4. RFA-1878-2002 (O&M) with XOBJR-45-CI-2003

State of Haryana and othersAppellants..

VS.

Ajay KumarRespondent.

5. RFA-1879-2002 (O&M) with XOBJR-46-CI-2003

State of Haryana and othersAppellants..

VS.

Jawahar Lal and othersRespondents.

6. RFA-1880-2002 (O&M) with XOBJR-50-CI-2003

State of Haryana and othersAppellants..

vs.

Jai Dayal and othersRespondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Abhinash Jain, DAG, Haryana for the appellants-State.

Mr. T.C. Dhaliwal, Advocate,
for the respondents-landowners/cross-objectors.

HARKESH MANUJA J. (Oral)

1. Vide this common judgment, the aforementioned Regular First Appeals as well as Cross-Objections are being decided as they all involve common question of law and facts.

1.2 For convenience, the facts are being taken from ***RFA-1875-2002 (O&M)***.

2. By way of present appeal, challenge has been laid to an award dated 26.02.2002 passed by the Reference Court-cum-Additional District Judge, Hisar, whereby, reference petition(s) preferred at the instance of respondents-landowners having invoked Section 18 of the Land Acquisition Act, 1894 (***for brevity, "1894 Act"***), were partly allowed.

3. Brief facts of the case are that certain land owned by the respondents-landowners, situated in the revenue estate of Village Lohari Ragho, Tehsil Narnaund, District Hisar was acquired vide notifications dated 15.08.1997 published on 23.09.1997 and 28.06.1998 published on 01.08.1998, issued under Sections 4 & 6, respectively of the 1894 Act, for the public purpose, namely, construction of missing link road between

Datta Lohari and Sisai Lohari road (section southern side). The total land under acquisition was 2.15 acres. The Land Acquisition Collector vide its award dated 20.08.1999 assessed the market value at the rate of Rs.1,25,000/- per acre.

4. Aggrieved of the award passed by the Land Acquisition Collector, respondents-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 vide its award dated 26.02.2002, enhanced the market value in the following terms besides granting other statutory benefits:-

“In view of the findings recorded under issue No.1, the market value of the acquired land of the petitioners is assessed at the rate of Rs.2,18,000/- per acre. Over and the above the market value of the acquired land so assessed, the petitioners shall also be entitled to other statutory benefits as provided under Sections 23(1-A), 23 (2) and 28 of the Act. The petitioners shall also be entitled to the costs of the petitions.....”

5. Feeling aggrieved with the aforesaid award passed by the Reference Court, the appellants-State of Haryana have preferred the aforementioned appeals, whereas, the respondents-landowners have filed the cross-objections, praying for further enhancement towards market value and compensation.

6. Impugning the aforementioned award, learned counsel for the appellants-State submits that the Reference Court went wrong while awarding compensation @ Rs.2,18,000/- per acre having relied upon the sale instance Ex.P-1 dated 10.05.1996. Learned counsel points out that an

appropriate cut should have been applied by the learned Reference Court on the sale instance Ex. P-1 towards development cost 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/cross-objectors submits that the learned Reference Court was required to apply suitable appreciation upon sale consideration of sale exemplar Ex.P-1, which was executed on 10.05.1996, whereas, the notification under Section 4 of the 1894 Act in the present case was published on 23.09.1997 and thus, the market value was required to be enhanced accordingly.

7.1 Learned counsel also submits that considering the fact that the acquisition in the present case was for the public purpose i.e. construction of missing link road, therefore, no cut was required towards development cost, especially, under the circumstances wherein the sale instance Ex.P-1 related to one acre of land whereas, the total land under acquisition was only 2.15 acres. No other argument has been addressed.

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

9. A perusal of the record as well as the award passed by the learned Reference Court shows that the land under acquisition was having locational and potential advantage being adjoining to the Bus stand as well as the water works of Village Lohari Ragho, besides, the same even abutting the “*abadi*” of the said village. This fact was also acknowledged by the learned Reference Court and the relevant findings recorded in this regard are

extracted hereunder:-

“..... Thus, it is emphatically clear that the acquired land is very near to the abadi of the village and grain market and adjoining to Government Senior Secondary School and touches Datta Lohari road on northern side and sisai Lohari Ragho road on southern side towards east.....”

10. Further, for the purpose of determination of market value, the learned Reference Court placed reliance upon the sale exemplar Ex.P-1 dated 10.05.1996 being genuine, bonafide and compairable sale instance relating to land measuring 8 kanals situated within the same revenue estate of Village Lohari Ragho, Tehsil Narnaund. Even the geographical proximity of the land forming part of sale exemplar Ex.P-1 in comparison to the land under acquisition was also acknowledged and accordingly, market value @ Rs.2.18 lacs per acre i.e. equivalent to the sale consideration under sale exemplar Ex.P-1 dated 10.05.1996, was awarded.

10.1 In the humble opinion of this Court, no merit can be found in the submissions made on behalf of the learned State counsel for applying deduction/cut over the price of sale deed dated 10.05.1996 Ex.P-1 for the reason that the said sale exemplar is pertaining to 8 kanals of land i.e. 1 acre and the total land under acquisition in the case in hand is merely 2.15 acres. Furthermore, the public purpose for acquisition of the land in question is regarding construction of missing link road between Datta Lohari and Sisai Lohari road, as such, there is no question of any kind of loss of land or costs towards any additional infrastructural development as there were no obligations upon the appellants to provide any additional amenties.

10.2 On the other hand, considering the fact that the land under

acquisition is admittedly having locational and potential advantage attached to it being adjoining the Government Senior Secondary School, Lohari Ragho; grain market; bank and the village “*abadi*”, suitable appreciation @ 16.5% per annum for the difference of period between the sale exemplar dated 10.05.1996 (Ex.P-1) and 23.09.1997 i.e. the date of publication of notification under Section 4 of the 1894 Act, in the present case; for a period of 16½ months upon its sale price needs to be applied. Accordingly, the market value on the date of publication of notification under Section 4 of the 1894 Act in the present case, comes to Rs.2,53,970/- per acre; rounded off Rs.2,54,000/- per acre. In addition, the landowners-crossobjectors are also held entitled for award of other statutory benefits payable under the provisions of 1894 Act.

11. Accordingly, in view of the discussion made herein above, the appeals preferred at the instance of appellants-State of Haryana are hereby dismissed, whereas, the cross-objections filed at the instance of respondents-landowners are partly allowed. Further, in case of unfortunate demise of any of the landowners-crossobjectors, if the legal heirs-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.

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

21.08.2025

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No