

2025:PHHC:157399



126 (10 cases)

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

**RFA No. 4789 of 1998 (O&M)
and “09” connected cases
Date of Decision: 13.11.2025**

Rati Khan

...Appellant

Versus

Haryana State

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Adarsh Jain, Senior Advocate, assisted by
Mr. Harpreet Singh, Advocate
for the appellant(s) / landowner(s) (in all cases).

Mr. Abhinash Jain, Deputy Advocate General, Haryana
for the respondent(s)-State of Haryana.

HARKESH MANUJA, J. (ORAL)

This order shall dispose off a bunch of the present ten (10) appeals bearing RFA Nos. 4789, 4790, 4791, 4792, 4793, 4835, 4836, 4837, 4838 & 4839 of 1998, as the same arise out of common acquisition / award. In all the appeals, the appellants-landowners are seeking further enhancement of compensation for the acquired land.

[2] In these appeals, challenge has been made to Award dated 01.09.1998 passed by the learned Additional District Judge, Faridabad (**hereinafter to be referred as “Reference Court”**), whereby the reference petition(s) filed by the appellant(s)-landowner(s) were accepted/disposed off, while determining the market value of the acquired land at the rate of Rs.17,000/- per acre for Bhood land and Rs. 65,000/- per acre for Chahi and others acquired land.

FACTS

[3] Briefly, the facts are that in pursuance of Haryana Govt. Notification under Section 4 of the Land Acquisition Act, 1894 (**for short “1894 Act”**) issued on 31.08.1984, followed by Notification dated 01.10.1986 under Section 6 thereof, certain land owned by the appellants situated within the revenue estate of **Village Kalwaka Hadbast No. 6, Tehsil Palwal, District Faridabad**, was acquired. The public purpose for acquisition was stated to be “for construction of road from Allahpur to Kulwaka (Section Dudhola to Kalwaka)”. The Land Acquisition Collector (**for short “LAC”**), vide Award No. 31, dated 09.03.1987, assessed the market value @ Rs.20,800/- for Chahi, Gair Mumkin Gait, Gair Mumkin Palat, Rasta Chahi land; Rs. 8,800/- for Bhodd land; and Rs. 15,840/- for Magda land per acres each.

[4] Dissatisfied with the aforesaid Award, landowners / interested persons filed objections under Section 18 of the 1894 Act, which were decided/disposed off vide award dated 01.09.1998 by the learned Reference Court, whereby market value of the acquired land was assessed at the rate of Rs. 17,000/- per acre for Bhodd land and Rs. 65,000/- per acre of Chahi and others acquired land alongwith other statutory benefits.

CONTENTIONS:

ON BEHALF OF APPELLANT(S)-LANDOWNER(S)

[5] Impugning the aforementioned award dated 01.09.1998, learned Senior Counsel representing the appellant(s) submits that once the entire acquisition was carried out for the common purpose for construction of road from Allahpur to Kulwaka for which small

parcel of 5.44 acres of land was acquired, there was no justification for the learned Reference Court to have classified the land based on its nature as Chahi land or Bhood land. He also points out that the learned Reference Court having accepted the average sale price of the sale instances pertaining to the preceding one year of the date of notification issued under Section 4 of the 1894 Act, as recorded in the award passed by the LAC, there was no justification for applying any cut thereupon while making the assessment of market value. Learned Senior Counsel thus submits that the impugned award was, accordingly, liable to be modified.

ON BEHALF OF RESPONDENT(S)-STATE OF HARYANA

[6] On the other hand, learned counsel for the respondent-State of Haryana submits that the findings recorded by the learned Reference Court were based on appreciation of evidence available on record and thus, no interference is called for in the impugned award, therefore, the present appeals are liable to be dismissed.

DISCUSSION AND REASONING

[7] After hearing learned counsel for the parties and having gone through the paper-book / records, I find substance in the submission(s) made on behalf of the appellant(s)-landowner(s).

[8] From the perusal of the record, it is evident that a small parcel of land measuring 5.44 acres situated within the revenue estate of Village Kalwaka, Tehsil Palwal, District Faridabad was acquired in the form of a strip for the purpose of construction of road from Allahpur to Kulwaka. In such circumstances, once the entire acquisition was for one common purpose and the land under acquisition comprised of one compact and contiguous strip, there was

no justification for the learned Reference Court to have distinguished the acquired land for the purpose of award of market value on the basis of its nature being of Chahi land or Bhood land. As such, the said findings recorded by the learned Reference Court, in the given facts, is set aside and the appellants-landowners are held entitled for award of market value at one uniform rate for the entire chunk of acquired land.

[9] Further, a perusal of Award dated 09.03.1987 passed by the LAC shows that the average sale price for Chahi land based on the sale transactions during the preceding one year of the date of notification under Section 4 of the 894 Act in the case in hand, was Rs. 74,000/- per acre. Relevant extract to the aforesaid effect from the award passed by the LAC is re-produced hereunder:-

" I have made necessary enquires and have also consulted the relevant record of sale. 13 sale transactions took place during one years period prior to the date of notification u/s 4 of the Act. According to these sales, the average price per acre comes to Rs. 74,000/- for Chahi land, Rs. 17,050/- for bhood land per acres."

Though, having relied upon the afore-stated average price of Rs. 74,000/- per acre, the learned Reference Court, however, for the reasons not coming forth in the impugned award, assessed market value at the rate of Rs. 65,000/- per acre for Chahi land and Rs. 17,000 for Bhood land. A perusal of the impugned award dated 01.09.1998 shows that no reasons whatsoever have been recorded by the learned Reference Court for determination of the market value at an amount lower than the average sale price, as noticed by the

LAC in its award. In the given circumstances, when the price of Rs. 74,000/- per acre was already based on average sale price of the 13 sale transactions which took place during one year period prior to the date of notification under Section 4 of the 1894 Act, there was no justification for the learned Reference Court to have reduced the same to Rs. 65,000/- per acre.

[9.1] Additionally, no challenge has been made by the respondent-State of Haryana about the reliance placed by the learned Reference Court to the aforementioned average price derived from the sale instances which took place during the preceding one year of the date of issuance of notification under Section 4 of the 1894 Act.

[10] Moreover, it may also be noticed here that in the given facts and circumstances, when the acquisition was carried out for the purpose of laying down of a road, no deduction was at all required to be made from the average sale price towards any development cost, as the respondent-State of Haryana did not suffer any loss towards optimum utilization of land area nor any expenditure was incurred for providing of additional infrastructural amenities.

DECISION

[11] In view of the aforesaid discussion, impugned award 01.09.1998 passed by the learned Reference Court is modified and the appellants-landowners are held entitled for award of market value at the **uniform rate of Rs. 74,000/- per acre** based on the average price derived from the 13 sale instances, which took place during one year period prior to the date of notification under Section 4 of the 1894 Act; as noticed by the LAC in its Award dated 09.03.1987. The appellant(s)-landowner(s) are also awarded consequential / statutory

benefits and interest as provided in the 1894 Act (as amended up-to-date), especially the interest on solatium as well.

[12] Also, wherever the landowner(s) has/have unfortunately died in the appeal(s) / cross-objection(s) after filing thereof and the legal representatives 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.

[13] All the appeals are **disposed off** accordingly.

[14] Pending miscellaneous application(s), if any, shall stand(s) disposed off.

November 13, 2025

‘dk kamra’

**(HARKESH MANUJA)
JUDGE**

Whether Speaking / Reasoned :	Yes	No
Whether Reportable :	Yes	No