2025:PHHC:155971

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

Decided on:-11.11.2025

1. RFA-806-1999 (O&M)

Smt. Lachmi Devi and others ….Appellants.

vs.

State of Haryana ....Respondent.

2. **RFA-3446-1999 (O&M)**

Surta and others ..Appellants…

vs.

State of Haryana ..Respondent…

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rakshit Gupta, Advocate for
Mr. Rakesh Gupta, Advocate,
for the appellant(s)-landowner(s).

Mr. Abhinash Jain, DAG, Haryana.

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HARKESH MANUJA J. (Oral)

1. Vide this common judgment, the aforementioned two Regular First Appeals are being decided as all have arisen out of the same award.

1.2 For convenience, the facts are being taken from RFA-806-1999 (O&M).

2. By way of present appeals, challenge has been laid to an Award dated 02.12.1998 passed by the learned Additional District Judge,

Kurukshetra (for short, "Reference Court"), whereby, reference petition(s) preferred at the instance of appellant(s)-landowner(s) invoking Section 18 of the Land Acquisition Act, 1894 (for brevity, "1894 Act"), were dismissed.

3. Brief facts of the case are that some land owned by the appellant(s)-landowner(s), situated in the revenue estate of Village Rattangarh @ Kakrala, Tehsil Pehowa, District Kurukshetra, was sought to be acquired vide notification dated 09.04.1986 published on 13.05.1986 and notification dated 05.02.1987, issued under Sections 4 & 6 of the 1894 Act respectively, for the public purpose, namely, construction of Gumthala Garhu to Bhagal road. The total land acquired was 11.95 acres. The Land Acquisition Collector vide its Award, assessed the market value of the acquired land and awarded Rs.25,000/- per acre for *chahi/nehri* and *gair mumkin khad*, Rs.23,000/- per acre for *barani* land, Rs.18,000/- per acre for banjar and Rs.9,000/- per acre for *gair mukin sarak, ghair mukin khal* and *gair mumkin rasta* along with other statutory benefits.

4. Dissatisfied with the award of the Land Acquisition Collector, the appellant(s)-landowner(s) filed separate reference petition(s) under Section 18 of the 1894 Act, seeking enhancement of compensation, which came to be dismissed by the learned Reference Court vide its Award dated 02.12.1998.

5. Aggrieved of the aforesaid Award passed by the learned Reference Court, the appellant(s)-landowner(s) preferred the aforementioned appeals.

6. Impugning the award dated 02.12.1998, learned counsel for the appellant(s)-landowner(s) submits that the learned Reference Court went

wrong while not placing reliance upon the sale instance Ex.P-1 dated 01.10.1980, vide which, 16 marlas of land forming part of the same revenue estate of village Rattangarh @ Kakrala, Tehsil Pehowa, District Kurukshetra, was sold for a sum of Rs.8000/- i.e. the market value of land Rs.80,000/- per acre (wrongly written as Rs.1,60,000/- in the impugned award). He submits that by applying appropriate deduction in relation to the smallness of the area towards the land forming part of sale deed Ex.P1, the same was required to be relied upon for the purpose of determination of market value by the learned Reference Court and accordingly, the impugned award is liable to be modified.

7. On the other hand, learned counsel appearing on behalf of the respondent-State submits that there was no illegality with the findings recorded by the learned Reference Court. Learned counsel further submits that as per sale instance Ex.R-6 dated 11.05.1985, 16 marlas of land was sold @ Rs.25,000/- per acre and thus, the well-reasoned award calls for no interference as similar amount of market value was already granted by the Land Acquisition Collector in favour of the landowners.

8. 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).

9. The sale instance Ex.P-1 dated 01.10.1980 pertains to 16 marlas of land sold @ Rs.80,000/- per acre. The land falling in sale deed Ex.P-1 forms part of rectangle No.39, killa No.20 situated within the revenue estate of village Rattangarh. The acquisition in the present case also relates to the revenue estate of village Rattangarh. In such circumstances, the learned

Reference Court was required to rely upon the sale instance Ex.P-1 dated 01.10.1980 for the purpose of determination of market value for the acquisition in the present case. No merits can be found in the submissions made on behalf of learned counsel for the respondent towards placing of reliance upon the sale instance Ex.R-1 to R-6, which were produced on record from their side, especially, when sale examplers Ex.R-1 to R-5 pertained to the period subsequent to the notification under Section 4 of the 1894 Act in the case in hand and the sale exampler Ex.R-6 dated 11.05.1985 vide which, 16 marlas of land was sold @ Rs.25,000/- per acre was required to be discarded in the wake of law laid down by the Hon'ble Apex Court in "***Horrmal (since deceased) thr. Lrs. and ors. vs. State of Haryana and and others***, reported as ***2024 INSC 797,*** wherein it was settled that for the purpose of determination of market value of the acquired land with respect to landowner, the highest of the sale deeds of bonafide transactions relating to similar nature and location of land was required to be taken in to consideration.

10. In the present case, sale instance Ex.P-1 is admittedly situated within the same revenue estate of village Rattangarh as to the land under acquisition and no evidence has been led by the respondent to question the bonafides of the said sale transaction or to point out any difference in nature between the two parcels of land i.e. one forming part of sale instance Ex.P-1 and other one being the land under acquisition. Furthermore, the sale instance Ex.P-1 is dated 01.10.1980 and the notification under Section 4 of the 1894 Act in the present case is of 09.04.1986, there is a difference of around 5½ years and consequently, an appropriate appreciation for the time

gap between the two dates needs to be awarded in favour of the appellant(s)-landowner(s) and the same is assessed @ 8% per annum.

10.1 Moreover, in view of the fact that the land forming part of the sale instance Ex.P-1 dated 01.10.1980 is 16 marlas, whereas, the acquisition in the present case pertains to 11.53 acres, an appropriate cut towards the smallness of area involved in Ex.P-1 @ 40% needs to be applied. Pertinently, since the acquisition is for the purpose of construction of road, the State is not going to suffer any loss of land or any expenses towards providing of additional infrastructural amenities, thus, no development cut is warranted in the present case. Moreover, the deposition of RW-1-Satyawan, Kanungo shows that the acquisition have been carried out for the purpose of extension of berms of Gumthala Garhu to Bhagal road which means that the acquired land was already abutting the existing road. In such circumstances, the appellant(s)-landowner(s) are held entitled for uniform rate of market value.

11 Applying the aforesaid, the market value of the land under acquisition comes to Rs.69120/- per acre. In addition, the appellants-landowners shall also be entitled for all other statutory benefits and interest as provided under the 1894 Act (Amended upto-date), especially, interest on solatium.

12. In view of the aforesaid discussion, the appeals filed at the instance of appellant(s)-landowners are partly allowed.

13. 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.

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

11.11.2025 **(HARKESH MANUJA)**
sonika **JUDGE**

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