



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

RFA No. 2646 of 2001 (O&M)

Date of Decision: 27.11.2025

Bishna and others

...Appellants

Versus

The State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Anmol Rattan S. Dhillon, Advocate
for the appellants-landowners.

Mr. Abhinash Jain, Deputy Advocate General, Haryana
for the respondents.

HARKESH MANUJA, J. (ORAL)

The appellants-landowners, by instituting the present appeal preferred under Section 54 of the Land Acquisition Act, 1894 **(for short “1894 Act”)**, are seeking modification of the award dated 13.03.2001 passed by learned Additional District Judge, Karnal **(hereinafter to be referred as “Reference Court”)** for enhancement of compensation amount.

[2] Briefly, the facts are that in pursuance of Haryana Govt. Notification under Section 4 of the 1894 Act issued on 09.07.1996, followed by Notification dated 06.12.1996 under Section 6 thereof, certain land of the appellants-landowners, situated within the revenue estate of Village Dhanaura Jagir, Tehsil Indri, District Karnal, was acquired. The total land acquired was measuring 0.35 acres. The acquisition was made for public purpose, namely, for the construction

of road from Dhanaura Jagir to Kalra Jagir". The Land Acquisition Collector, Ambala Cantt. **(for short "LAC")** vide Award No. 1, dated 18.12.1998, awarded compensation at the uniform rate of Rs.1,80,000/- per acre for Chahi land and Gair Mumkin Sarak land alongwith other statutory benefits under the 1894 Act.

[3] Dissatisfied with the aforesaid Award, landowners / interested persons filed objections under Section 18 of the Act of 1894, which were partly allowed vide decision dated 13.03.2001 by the learned Reference Court, whereby market value of the acquired land was assessed / enhanced to Rs. 2,00,000/- per acre alongwith other statutory benefits under the 1894 Act.

CONTENTIONS:

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

[4] Impugning the aforementioned award dated 13.03.2001, learned counsel for the appellant(s) submits that the learned Reference Court went wrong having taken average of sale deed Ex. P-1 and R-2; besides having discarded the highest sale instance dated 23.05.1994 / Exhibit P-1, vide which 7 kanal 7 marla of land was sold for Rs. 1,98,000/- and the base price per acre was Rs.2,15,510/-. He thus prays that the market value of the acquired land was required to be enhanced by awarding appropriate increase over the base price derived from the sale deed-Ex. P-1, for the time gap between the date of execution of Ex. P-1 (23.05.1994) till the date of notification under Section 4 of the 1894 Act in the case in hand i.e. 09.07.1996 and the award was thus required to be modified accordingly.

ON BEHALF OF RESPONDENT(S)-STATE OF HARYANA

[5] On the other hand, learned counsel for the respondent(s)-State of Haryana submits that the impugned award passed by the learned Reference Court was based on proper appreciation of evidence and the pleadings available on record; as such, no modification therein was required and thus, the present appeal is liable to be dismissed.

DISCUSSION AND REASONING

[6] 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).

[7] A perusal of the record shows that the sale deed dated 23.05.1994 (Ex. P-1) pertained to the same revenue estate of Village Dhanora Jagir and thus being the highest sale exemplar available on record with respect to the similar nature of land, the same was required to be taken into account for the purpose of determination of market value especially when the land forming part therein was located just a kilometer away from the acquired land. In the humble opinion of this Court, the learned Reference Court rather than taking an average of the sale instances Ex. P-1 & R-2, was required to take into account Ex. P-1 being the sale deed with the highest sale price.

[8] Furthermore, considering the fact that the time gap between the sale deed dated 23.05.1994 (Ex. P-1) and the date of notification under Section 4 of the 1894 Act in the case in hand, i.e. 09.07.1996, the appellants-landowners are required to be awarded an appropriate increase at the rate of 12% per annum at the

compounded rate upon the base price of Rs. 2,15,510/- per acre, derived from the sale exemplar Ex. P-1.

[9] In the given facts, wherein the sale exemplar (Ex. P-1) relates to 7 kanal 7 marla of land, no deduction is required to be made towards the smallness of area involved in the sale exemplar.

[10] Moreover, in the given facts and circumstances, no deduction towards the development cost needs to be applied as the acquisition proceedings were carried out for the purpose of laying down of a road and the State did not suffer any loss of land nor even incur any cost towards providing of additional infrastructural amenities.

[11] Accordingly, in view of the discussion made hereinabove, by applying appreciation for the time gap between the date of sale exemplar dated 23.05.1994 (Ex. P-1) and the date of notification under Section 4 of the 1894 Act i.e. 09.07.1996, the market value of the acquired land as on the date of notification under Section 4 of the 1894 Act, comes to **Rs. 2,74,600/- per acre**, as per calculation below:-

Description	Amount per acre (in Rs.)
Market Value of the acquired land (as per sale deed dated 23.05.1994 / Ex. P-1)	2,15,510.00
Add: Appreciation @ 12% per annum (Rs.2,15,510 x 12/100) (from 23.05.1994 to 22.05.1995)	25,861.20
	2,41,371.20
Add: Appreciation @ 12% per annum (Rs. 2,41,371.20 x 12/100) (from 23.05.1995 to 22.05.1996)	28,964.54
	2,70,335.74
Add: Appreciation @ 12% per annum (Rs. 2,70,335.74 x 12/100 x 48/365) (from 23.05.1996 to 09.07.1996 = 48 days)	4,266.12
	2,74,601.86
Net Compensation	2,74,600.00 (Round off)

DECISION

[12] In view of the aforesaid discussion, impugned award dated 13.03.2001 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. 2,74,600/- per acre**. 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.

[13] 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.

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

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

November 27, 2025

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**(HARKESH MANUJA)
JUDGE**

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