

RFA-4867-2001 (O&M) and other connected cases

2025/PHHC-146933

**114****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****RFA-4867-2001 (O&M) and other connected cases****Date of Decision: October 28, 2025****SULTAN SINGH AND ORS**

.....Appellants

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Tapan Yadav, Advocate with
Mr. Ashutosh Sharma, Advocate for the landowners.

Mr. Abhinash Jain, DAG, Haryana.

HARKESH MANUJA, J. (ORAL)

A batch of 6 connected Regular First Appeals (details whereof are given on the foot of the judgment) shall stand disposed of by this common order, as they involve common question of law and facts.

For convenience, the facts are being taken from **RFA-4867-2001**.

By way of present appeal, challenge has been laid to the award dated 22.03.2001 passed by the learned Additional District Judge, Gurgaon, whereby the reference petitions filed under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act') by the appellants for seeking enhancement of market value of the acquired land were partly allowed.

2. Briefly stating, land measuring 3.99 acres situated within the revenue estate of Village Jurola, Tehsil and District Gurgaon was acquired for the public purpose namely for construction of approach road from Gurgaon-Pataudi road to village Jurola via Babra Bakipur vide notifications dated 16.11.1980 and 02.12.1980 issued under Sections 4

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and 6 respectively of the Act. The Land Acquisition Collector (for short 'LAC') passed Award No. 51-G dated 13.02.1981 assessing the market value at the rate of Rs.6000/- per acre for Chahi land, @Rs.5504/- per acre for Magda land and Rs.2504/- per acre for Banjar land along with grant of statutory benefits.

3. The appellants-landowners, feeling dissatisfied with the said award, sought reference under Section 18 of the Act while pleading that the market price of the acquired land was not less than Rs.20/- per square yard as the same was very fertile, yielding 3-4 crops a year and thus, the LAC did not take into consideration the location, situation, nature and potentiality of the acquired land.

4. Upon notice, respondents filed separate written statement wherein it was stated that the Land Acquisition Collector rightly awarded the compensation while considering its potentiality, location and all other factors which were relevant for determination of market value. Moreover, it was further pleaded that no severance or fragmentation, was caused due to the acquisition and therefore, the petitioners were not entitled to any compensation on this ground.

5. On the basis of pleadings of the parties, the following issues were framed by learned Reference Court:-

“1. What was the market value of the acquired land at the time of notification under Section 4 of the Land Acquisition Act?
OPP

2. Relief.”

6. In order to prove their case, petitioners examined Mr.Sultan Singh as PW-1 whereas, respondents-State examined Mr. D.V. Nagpal, Junior Engineer, PWD (B&R) Gurgaon as RW-1.

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7. After considering the evidence, the learned Additional District Judge, Gurgaon, vide award dated 22.03.2001 partly allowed the petitions filed at the instance of petitioners-landowners.

8. Aggrieved of the aforesaid award dated 22.03.2001, the present Regular First Appeal(s) (RFAs) have been filed.

9. Impugning the aforementioned award, learned counsel for the appellants-landowners submits that the learned Reference Court went wrong having discarded the sale instance Ex.P-2 executed and registered on 31.03.1981. He submits that once it was established on record that the sale instance Ex.P-2 pertained to village Babra Bakipur which was abutting and adjoining the village Jurola, the sale instance Ex.P-2 was required to be taken into account for the purpose of re-assessment of compensation. Learned counsel points out that taking into account the purpose of acquisition, the appellants-landowners were required to be granted benefit of damages towards severance of their land. Learned counsel further submits that claim for damages towards severance was wrongly declined by learned Reference Court though the very purpose of acquisition was construction of approach road and that as an effect of present acquisition, the land stood bifurcated.

10. On the other hand, learned counsel for the respondents submits that sale instance Ex.R-1 (dated 16.08.1976) and Ex.R-2 (dated 12.07.1977) were both prior to the date of notification issued under Section 4 of the Act and pertained to the same revenue estate of village Jurola, thus, were required to be taken into account, however, were wrongly discarded by the Reference Court. He submits that as per Exs. R-1 and R-2, the appellants-landowners were already awarded sufficient compensation vide award passed by LAC and thus, the Reference Court

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went wrong having enhanced the market value. He also points out that there is no evidence available on record to establish any kind of loss to the appellants-landowners towards severance and thus, the said claim was rightly declined by learned Reference Court. Learned counsel for the respondents points out that the sale instances Ex.P-1 dated 25.06.1975 which was relied upon, pertained to only 3 kanals of land and as such an appropriate cut was required to be imposed at the time of making assessment of market value as on the date of the notification issued under Section 4 of the Act.

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

12. A perusal of record shows that no interference is called for in the impugned award passed by learned Reference Court. Sufficient reasons have been recorded by learned Reference Court for discarding the sale instance Ex.P-2 which was post notification under Section 4 of the Act in the present case. Furthermore, once the sale instance pertaining to the revenue estate of village Jurola regarding the acquisition proceedings carried out were available, it was justified on the part of learned Reference Court to have discarded the sale instance pertaining to the adjoining or abutting revenue estate of Village Babra Bakilpur. Furthermore, the contentions raised on behalf of learned State counsel as regards the non-reliance upon the sale instance Exs.R-1 and R-2 is also meritless. A specific and categoric finding was recorded by learned Reference Court to the effect that sale instance Exs. R-1 and R-2 did not depict the true and correct sale instance based upon examination of vendors and vendees. Rather, it was apparent that a deliberate arrangement had been made among the co-sharers with the intent to

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evade payment of stamp duty. In view of the above, no illegality or perversity can be found with the reasoning recorded by learned Reference Court for having discarded the said sale instance Exs. R-1 and R-2.

13. In the given facts when the sale instance Ex.P-1 dated 25.06.1975 pertained to 3 kanals of land and the land under acquisition measured 3.99 acres only, the area of sale instance Ex.P-1 cannot be said to be a small parcel. Furthermore, in the present case the purpose of acquisition of land was for laying down of an approach road and as such the respondent-State is neither going to suffer any loss of land nor any cost towards providing of infrastructural amenities like parks, green belts, community buildings etc. Thus, in such circumstances, no deduction was required to be applied on the sale price per acre as derived from the sale instance Ex.P-1.

14. In reference to the benefit of severance being claimed by the appellants-landowners, it may be relevant to notice here that the very purpose of acquisition being laying down of approach road itself depicts that as a result of acquisition, the abutting land stood bifurcated/divided. Moreover, severance also causes reduction in value of remaining land due to alteration in access, utility, irregularity of shape and loss of agricultural viability etc., in such circumstances, it would be appropriate to award damages against severance of land in favour of the landowners @ Rs.20% of the market value.

15. In view of the aforesaid, the present appeal(s) are disposed of.

16. Wherever the landowner(s) has/have unfortunately expired in the appeal(s)/cross-objection(s) after filing thereof and the legal heirs have

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not been impleaded, they shall be at liberty to seek execution of the present decision by moving appropriate applications before the learned Executing Court.

17. Pending application(s), if any, shall also stand disposed of.

28.10.2025

Tejwinder

**(HARKESH MANUJA)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>

RFA No.	Title
RFA-3414-2001 (O&M)	STATE OF HARYANA V/S ISHWAR SINGH
RFA-3415-2001 (O&M)	STATE OF HARYANA V/S SULTAN SINGH AND ORS.
RFA-3416-2001(O&M)	STATE OF HARYANA V/S HOSHIAR SINGH
RFA-4789-2001(O&M)	ISHWAR SINGH V/S STATE OF HARYANA
RFA-4866-2001(O&M)	HOSHIAR SINGH V/S STATE OF HARYANA