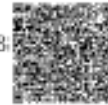


2025 PHHC 141028



107

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA-4024-2001 and other connected cases

Date of Decision: October 13, 2025

RAMESH KUMAR AND ORS.

.....Appellants

Versus

STATE OF HARYANA AND ORS.

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. N.C. Kinra, Advocate,
 Mr. Harsh Kinra, Advocate and
 Ms. Apoorva Kinra, Advocate for the appellants.

Mr. Abhinash Jain, DAG, Haryana.

HARKESH MANUJA, J. (ORAL)

A batch of 3 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-4024-2001.

By way of present appeal, challenge has been laid to the award dated 04.04.2001 passed by the learned Additional District Judge, Sonapat, 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 16.47 acres situated within the revenue estate of Village Jamalpur Kalan, Tehsil and District Sonapat was acquired for the public purpose namely, for development and utilization of the land as residential and commercial area vide notifications dated

06.05.1992 and 05.05.1993 issued under Sections 4 and 6 respectively of the Act. The Land Acquisition Collector (for short 'LAC') passed Award No. 7 dated 17.11.1994 assessing the market value at the rate of Rs.250/- per square yard 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 acquired land was situated in vicinity of Sectors 14 and 15, HUDA, Sonapat and number of new industrial and commercial establishments existed there, however, the LAC did not take into consideration its potentiality. The appellants-landowners submitted that the acquired land fell within the National Capital Region and the land in its vicinity was being sold in the range of Rs.1000-2000/- per square yard.

4. Upon notice, respondents filed 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 necessary for determination of market value including the rates supplied by the District Collector.

5. On the basis of pleadings of the parties, the following issues were framed by learned Reference Court on 22.09.2016:-

- “1. Whether the Land Acquisition Collector did not correctly assess market value of the acquired land? If so what was the market value of the land at the time of issuing notification dated 06.05.1992 under Section 4 of the Land Acquisition Act, 1894? OPP
2. Whether the Land Acquisition Collector failed to take into account value of the trees, tubewells and other structures, if any, existing in the acquired land at the relevant period? If so what was the value of the trees, tubewells and structures, if any, in the acquired land belonging to different petitions? OPP

3. Whether the petitioners are entitled to any other statutory benefits under Section 23(1) (a), 23(2) and 28 of the Act? OPP.
4. Whether the references are time barred? OPR.
5. Relief.”

6. In order to prove their case, petitioners examined Mr. Ram Lal, Patwari (retd.) as PW-1, Dr. Ashok Sapra as PW-2, Mr. Subhash Cahnd as PW-3, Mr. Prem Singh, Misc. Clerk as PW-4 and Mr. Baljit Singh, WBN as PW-5. On the other hand, respondents examined Mr. Bijender Singh, Patwari as DW-1,

7. After considering the evidence, the learned Additional District Judge, Sonapat, vide award dated 04.04.2001 dismissed the petition filed on behalf of the landowners.

9. Aggrieved of the aforesaid award dated 04.04.2001, the present Regular First Appeal(s) (RFAs) were filed by the appellants-landowners.

10. Impugning the aforementioned award, learned counsel for the appellants relied upon Annexure A-1, i.e. order dated 04.01.1993 passed by the Collector, Sonapat whereby, the rates proposed for the acquired land pertaining to the revenue estate of village Jamalpur Kalan was fixed at Rs.450/- per square yard. The learned counsel submits that the market value of the acquired land should have been assessed in accordance with the said order by the LAC. He further contends that the order dated 04.01.1993 was taken on record as an additional evidence by this Court vide order dated 02.05.2016 and thus, relying upon the same, the market value should have been assessed at Rs.450/- per square yard rather than Rs.250/- per square yard.

11. On the other hand, learned counsel for the respondents-State submits that the market value of the land in question was rightly assessed by the LAC while passing the award in exercise of powers under Section 11 of the Act and the same was consequently, upheld by the learned Reference court, having passed a well-reasoned order based on the evidence available on record. However, learned State counsel could not impugn or impeach the veracity of the order dated 04.01.1993 passed by the LAC, Sonapat whereby, the market value of the land under acquisition, pertaining to village Jamalpur Kalan was assessed at Rs.450/- per square yard.

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

13. A perusal of the record shows that 16.47 acres of land situated within the revenue estate of village Jamalpur Kalan, District Sonapat was acquired vide notification dated 06.05.1992 issued under Section 4 of the Act followed by notification dated 05.05.1993 issued under Section 6 of the Act. In the meanwhile, the Collector, Sonapat vide order dated 04.01.1993 proposed the market value for the land situated within the revenue estate of village Jamalpur Kalan at a uniform rate of Rs.450/- per square yard. A copy of this order was even forwarded to the LAC, Sonapat for necessary action. On the contrary, without even referring to the said order, the LAC vide its award dated 17.11.1994 assessed the market value @ Rs.250/- per square yard without even mentioning therein that the District Collector recommended the market value for the acquired land pertaining to village Jamalpur Kalan to be @Rs.450/- per square yard.

Relevant portion from the award dated 17.11.1994 in this regard is extracted hereunder:-

“In order to arrive at a conclusion about the market value of the land, under acquisition, I have visited the spot and have considered its location and potentiality, I have also consulted the rates supplied by the Collector of the District. The Collector, Sonapat has intimated the uniform rates @ Rs.250/- per square yard of villages Jamalpur Kalan proposed to be acquired vide this award.

Keeping in view, the potentiality, location, claim filed by the interested persons and the rates supplied by the Collector of the District, I am of the view that a rate of Rs.250/- per square yard would be fair and I awarded the same accordingly.”

14. Being dissatisfied with the award passed by the LAC, the appellants-landowners sought reference under Section 18 of the Act. Even in those proceedings, the appellants-landowners specifically and categorically raised the issue of assessment of market value of the land pertaining to the revenue estate of village Jamalpur Kalan by the District Collector Sonapat @ Rs.450/- per square yard. The said plea raised by the appellants-landowners was seriously contested by the respondents while maintaining that no order was ever passed by the District Collector about the assessment of market value of revenue estate of village Jamalpur Kalan @ Rs.450/- per square yard and there was such no document available to this effect. The relevant paragraph No.18 of the Reference Court award in this regard is extracted hereunder:-

“18. Regarding the contention that the Land Acquisition Collector was bound to announce the award at the rate which had been recommended to him by the Collector, Sonapat, it is suffice to say that a thorough perusal of the award shows that the Land Acquisition Collector at page 2 of the award has specifically stated that the Collector, Sonapat, had intimated the uniform rates of Rs. 250/- per sq. yards of village Jamalpur Kalan proposed to be acquired by the said award. The testimony of PW4 Prem Singh and PW5 Baljit Singh, the Clerks of the office of Collector, Sonapat cannot be given weightage because to

prove and establish this fact that the Collector, Sonapat had recommended the rate of the 1and @ Rs. 450/- per sq. yard no document has been placed on the file and their bald statements cannot be given preference in view of the award no. 7 given by the Land Acquisition Collector, Haryana Urban Estate Department, Faridabad. There is no dispute with the preposition of law as laid down in the authority State of Bihar and others' case (supra) laying down that the provision to Section 11 lays down that no award shall be made by the Collector under Sub-Section (1) of Section 11 of the Act without the previous approval of the appropriate Government or of such officer as the appropriate government may authorise in this behalf. However, the said authority is not applicable to the facts of the present case because as referred to above, the District Collector, Sonapat, had only recommended the rate of Rs. 250/- per sq. yard as referred to by the Land Acquisition Collector in his award no. 7 dated 17.11.1994.”

15. In the aforesaid manner, the LAC dishonestly went on to trick the landowners by making an incorrect averment in its award dated 17.11.1994 to the effect that the market value of the land pertaining to the revenue estate of village Jamalpur Kalan was to be awarded @ Rs.250/- per square yard on the recommendations made by the District Collector. Moreover, even before the learned Reference Court, the same stance was pleaded, a glaring attempt to mislead by the respondents stating that there was no such order passed by the District Collector, Sonapat whereby the market value for the land situated within the revenue estate of village Jamalpur Kalan in relation to the present acquisition was ever recommended at Rs.450/- per square yard. In the light of the aforementioned facts, it was apparent that an all-out effort was made by the LAC, Sonapat and the respondent-authorities to mislead the learned Reference Court by withholding the order dated 04.01.1993 passed by the District Collector Sonapat. However, it is only when the said order dated 04.01.1993 has now been placed on record by the appellants-landowners

having filed an application for permission to lead additional evidence, the mala fides on the part of respondents have been unearthed before this Court. Nothing has been brought on record by the respondents to show that the order dated 04.01.1993 passed by the District Collector, Sonapat was ever withdrawn or set aside by any superior authority. Neither any justified reason has been given so as to persuade this Court to ignore the said order. In such circumstances, relying upon the order dated 04.01.1993 passed by the District Collector, Sonapat which has neither been disputed nor rebutted by the learned State counsel, the market value of the acquired land for the revenue estate of village as on the date of notification under Section 4 of the Act is assessed @ Rs.450/- per square yard. The appellants-landowners shall also be entitled for all other statutory benefits along with interest payable under the Act. The appellants-landowners shall also be entitled for award of interest on amount of solatium.

16. It may be pointed out here that the respondents being the welfare State is always supposed to be fair to its subjects-citizens and also to the Court in the judicial proceedings. However, in the facts and circumstances of the present case, it is made out from the record that at every step, the respondent- LAC or even the other officials representing the respondent-State tried to withhold the relevant material in the form of order dated 04.01.1993. This conduct not only deprived the appellants-landowners of their legitimate dues for a prolonged period of almost 30 years but also burdened the State exchequer towards unwarranted encumbrance of interest on the delayed payment. As such, the respondents being unfair in the Court proceedings are thus, liable to pay a

cost of Rs.1,00,000/- in each case. The Cost shall be paid to the landowners, over and above the amount of compensation awarded in their favour.

17. Accordingly, the appeals filed on behalf of appellants-landowners are allowed .

18. Wherever the landowner(s) has/have unfortunately expired in the appeal(s)/cross-objection(s) after filing thereof and the legal heirs have not been impleaded, they shall be at liberty to seek execution of the present decision by moving appropriate applications before the learned Executing Court.

13.10.2025

Tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No

RFA No.	Title
RFA-2463-2001	HARSH KINRA V/S STATE OF HARYANA AND ORS.
RFA-689-2002	VIRENDER SINGH V/S STATE OF HARYANA AND ORS.