

2025:PHHC:118338



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

**RFA-1951-2004 (O&M)
Decided on:-02.09.2025**

Gopi and anotherAppellants....
vs.

State of Haryana and anotherRespondents....

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Kulvir Narwal, Advocate,
for the appellant(s) (in RFA-556 to 562 of 2005).

Mr. Dinesh Arora, Advocate,
for the appellant(s) (in RFA Nos.1951 & 1952-2024).

Mr. Sunil Panwar, Advocate and
Mr. Dhruv Singh, Advocate
for the appellant(s) (RFA-2391, 2408 to 2410-2004).

Mr. Abhishek Yadav, DAG, Haryana.

HARKESH MANUJA J. (Oral)

1. Vide this common judgment, the batch of total 13 connected Regular First Appeals are being decided as all have arisen out of the same award. The details of the connected cases are given on the foot of the judgment.

1.2 For convenience, the facts are being taken from ***RFA-1951-2004 (O&M)***.

2. By way of present appeal, challenge has been laid to an award dated 27.05.2004 passed by the learned Reference Court-cum-Additional District Judge, Rohtak, whereby, reference petition(s) preferred at the instance of appellants-landowners having invoked Section 18 of the Land

Acquisition Act, 1894 (***for brevity, “1894 Act”***), were partly allowed.

3. Brief facts of the case are that certain land owned by the appellants-landowners, situated in the revenue estate of Village Pilana, Tehsil & District Rohtak, was acquired vide notifications dated 11.06.1996 published on 02.07.1996, issued under Section 4 of the 1894 Act and the notification dated 11.03.1997, issued under Section 6 thereof, for the public purpose, namely, construction of Bass Lift Minor No.1. The total land under acquisition was 12.65 acres. The Land Acquisition Collector vide its award dated 06.01.1999, awarded the compensation at the rate of Rs.1,10,000/- per acre for *Nehri/Chahi* land and Rs.50,000/- per acre for *Bhud, Banjar Kadami* and *Gair mumkin* land.

4. Aggrieved of the award passed by the Land Acquisition Collector, the appellants-landowners along with others invoked separate reference petition(s) under Section 18 of the 1894 Act, seeking enhancement of compensation. Upon consideration of the material available on record, the Reference Court vide its award dated 27.05.2004, enhanced the market value to Rs.1,38,500/- per acre for *Nehri/Chahi* land besides granting all other statutory benefits including interest and solatium etc.

5. Feeling aggrieved with the aforesaid award passed by the Reference Court, the appellants-landowners preferred the present appeals, details whereof are mentioned in the foot of the judgment, claiming further enhancement towards market value and compensation.

6. Impugning the aforesaid award, learned counsel for the appellant(s) submits that the learned Reference Court failed to take into account the fact that even as per the stand taken by the respondents in their

written statement, the possession of the land in question was taken from the landowners on 31.07.1986 and the market value was even assessed at the rate of price prevailing on 31.07.1986 only. Learned counsel submits that once the notification under Section 4 of the 1894 Act was published on 02.07.1996, the market value of the acquired land was required to be assessed as on the date of publication of notification i.e. 02.07.1996, rather than, as on the date of taking over of possession i.e. on 31.07.1986.

6.1 Learned counsel further points out that the Reference Court went wrong while discarding the sale instance dated 11.06.1993 (Ex.P-1) while observing that the same related to a small parcel of land measuring 18 marlas. Learned counsel submits that even as per the observation made by the learned Reference Court, the land under acquisition was near to ‘*abadi*’ and as such, after applying appropriate cut towards development cost over the sale price per acre in terms of Ex.P-1, an appropriate assesement of market value could have been made. He thus, submits that the award passed by the learned Reference Court was liable to be modified while granting suitable enhancement towards the market value of the land under acquisition in favour of the appellants-landowners.

7. On the other hand, learned counsel for the respondents-State submits that adequate and suitable compensation was awarded by the learned Reference Court while relying upon the sale instance Ex.P4 and thus, the impugned award called for no interference.

7.1 Learned State counsel also points out that once the appellants-landowners were granted the benefit of interest from the date of taking over of possession of the land in question i.e. 31.07.1986 till the date of passing

of the award i.e. 06.01.1999, no prejudice was caused to the rights of the appellants-landowners while taking into account the value of the land prevalent as on 31.07.1986 for passing of the award under Section 11 of the 1894 Act.

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 appellants-landowners.

9. As per the written statement filed on behalf of the Executive Engineer, Bhiwani Water Services Division Bhiwani, before the learned Reference Court, it was specifically admitted that the possession of the land under acquisition was taken over by the respondents on 31.07.1986 and the rates of land prevalent on the said date were taken into account for the purpose of assessment of market value at the time of passing of the award in January 1999. The relevant para No.2(b) of the written statement filed on behalf of the respondents is extracted hereunder:-

“2(b) That para No.2(b) of the reference is wrong and hence it is denied. The compensation of acquired land was given at the rate of Rs.1,10,000/- per acre for Nehri Chahi, Rs.70,000/- for Barahni and Rs.50,000/- for other kinds of land. The possession of land was taken on 31.07.1986 and the rate of the land prevailing on 31.7.1986 are assessed as per law and procedure. The market price of the land at that time was the same which has been given by the deptt. It is wrong that the market price of acquired land on the date of acquisition was not less than 5-00 lacs per acre. It is worthwhile to mention here that the rate of acquired land is to be assessed at the time of taking possession i.e. on 31.07.1986. It is wrong that the petitioners are entitled to any compensation for well and room. This objection of petitioner is false and vexatious. There exists no well or room on the acquired land hence the

question for compensation for well and room does not arise.”

9.1 Contrarily, as per the plain reading of Section 11(1) of the 1894 Act, the value of the acquired land needs to be assessed as on the date of publication of notification under Section 4 (1) of the 1894 Act. Section 11(1) thereof is extracted hereunder:-

“11. Enquiry and award by Collector. - [(1)] On the day so fixed, or on any other day to which the enquiry has been adjourned, the Collector shall proceed to enquire into the objection (if any) which any person interested has stated pursuant to a notice given under section 9 to the measurements made under section 8, and into the value of the land [at the date of the publication of the notification under section 4, sub-section (1)], and into the respective interests of the persons claiming the compensation and shall make an award under his hand of-

- (i) the true area of the land;*
- (ii) the compensation which in his opinion should be allowed for the land; and*
- (iii) the apportionment of the said compensation among all the persons known or believed to be interested in the land, or whom, or of whose claims, he has information, whether or not they have respectively appeared before him :*

[Provided that no award shall be made by the Collector under this sub-section without the previous approval of the appropriate Government or of such officer as the appropriate Government may authorize in this behalf:

Provided further that it shall be competent for the appropriate Government to direct that the Collector may make such award without such approval in such class of cases as the appropriate Government may specify in this behalf.”

10. In the present case, admittedly, the notification under Section 4

of the 1894 Act was published on 02.07.1996 and thus, the market value of the land under acquisition was to be assessed as on the said date and not on the date of taking over of possession i.e. 31.07.1986.

10.1 Furthermore, no merit can be found in the submissions made on behalf of the learned counsel for the respondents to the effect that once the appellants-landowners were awarded the benefit of interest w.e.f. 31.07.1986 till 06.01.1999 (the date of passing of the award), the award was rightly passed while taking into account the market price prevalent as on 31.07.1986. In fact, the grant of interest in favour of the appellants-landowners w.e.f. 31.07.1986 to 06.01.1999 can at best be counted towards damages suffered by them for been deprived of utilizing their land for the period even before its acquisition.

10.2 In view of the aforesaid, once the amount of market value was admittedly assessed while taking into account the rates prevalent as on 31.07.1986 whereas the notification under Section 4 of the 1894 Act in the present case was published on 02.07.1996, in case a compound increase/appreciation at the rate of 12% per annum is awarded over the market value assessed by the Land Acquisition Collector @ Rs.1,10,000/- per acre for '*nehri/chahi*' land, the same as on 02.07.1996 would come to Rs.3,49,639/- per acre. Further, upon appreciation of the other submission made on behalf of the learned counsel for the appellants-landowners to the effect that the sale instance Ex.P1 dated 11.06.1993 was required to be taken into account by learned Reference Court; it may be pointed out here that the said sale instance relates to land forming part of rectangle No.176. The learned Reference Court has discarded the aforesaid sale instance for the

reasons that the same related to a small parcel of land measuring 18 marlas. The learned Reference Court relied upon sale instance Ex.P-4, which related to land forming part of rectangle No.167 for an area measuring 40 kanals 15 marlas. The learned Reference Court went on to record that the market value as per sale instance dated 11.06.1996 (Ex.P-4) was Rs.1,38,500/- per acre. It was also recorded that the sale instance Ex.P-4 though related to khewat No.167, and was situated at some distance from the acquired land, however, the acquired land been abutting the 'abadi' of the village Pilana, the sale instance Ex.P-4 relating to land forming part of Khewat No.167 was even relied upon. Considering the same, in case, the sale instance dated 11.06.1993 Ex.P-1 being the highest sale exemplar pertaining to the same revenue estate of village Pilana, though relating to a small parcel of land measuring 18 marlas, forming part of khewat No.176 is taken into consideration by applying an appropriate cut of around 55% towards development cost besides, considering its distance from the acquired land, its market value would come to Rs.3,60,000/- per acre.

10.3 In such circumstances, upon taking into account the discussion made herein above, as per the material available on records through the two different methods, it comes out that the market value of the acquired land as on the date of publication of the notification under Section 4 of the 1894 Act on 02.07.1996 was approximately Rs.3,50,000/- per acre and accordingly, the appellants-landowners are held entitled for the same market value at the rate of Rs.3,50,000/- per acre towards their acquired land. In addition, the appellants-landowners shall also be entitled for award of other statutory benefits and interest under the provisions of the 1894 Act (as amended upto-

date).

11. Further, in case of unfortunate demise of any of the appellants-landowners, if the legal heirs-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.

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

02.09.2025
sonika

(HARKESH MANUJA)
JUDGE

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

Sr. No.	Case No.	Title
1.	RFA-1952-2004	NATHU ETC. V/S STATE OF HY. & ANR.
2.	RFA-2391-2004	JAIPAL V/S ST OF HRY & ANR.
3.	RFA-2408-2004	JASRAG @ JASRAJ & ORS vs. STATE OF HRY & ANR.
4.	RFA-2409-2004	RICHHPAL & ORS. V/S ST OF HRY & ANR
5.	RFA-2410-2004	SARJIT & ORS V/S ST OF HRY AND ANR.
6.	RFA-556-2005	DHARAMBIR SINGH AND ORS. V/S STATE OF HARYANA AND ORS.
7.	RFA-557-2005	JAGDISH SINGH AND ORS. V/S ST. OF HY. AND ORS.
8.	RFA-558-2005	DILBAG & ORS. V/S ST. OF HY. AND ANR..
9.	RFA-559-2005	RAN AVTAR AND ORS. V/S STATE OF HARYANA AND ANR.
10.	RFA-560-2005	MAHINDER SINGH V/S ST. OF HARYANA AND ANR.
11.	RFA-561-2005	PREM AND ORS. V/S STATE OF HARYANA AND ANR.
12.	RFA-562-2005	ISHWAR AND ORS. V/S STATE OF HARYANA AND ANR.