

RFA No.4205 of 2007 (O&M) with other connected cases

2025:PHHC:185854



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

114

RFA No.4205 of 2007 (O&M)
with other connected cases.
Date of Decision: 29.11.2025

STATE OF HARYANA THROUGH COLLECTOR, JIND.....Appellant(s)
Vs
DALBIR AND OTHERSRespondent(s)

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Abhinash Jain, D.A.G., Haryana for the appellant(s)/State.

Mr. V.D. Sharma, Advocate and
Mr. Sushil Dhull, Advocate for
Mr. Jasbir Mor, Advocate for the landowners.

HARKESH MANUJA, J. (Oral)

[1]. Vide this common order, a bunch of 21 Regular First Appeals, details of which are given in the footnote of this judgment, are being decided as all the appeals have arisen out of common acquisition/Award involving identical facts and question of law. For the sake of brevity, facts are being taken from RFA No.4205 of 2007.

[2]. By way of present appeal(s), challenge has been laid to the Award dated 14.09.2007 passed by the learned Addl. District Judge-II, Jind (hereinafter to be referred as the 'Reference Court'), whereby Reference Petition(s) filed under Section 18 of the Land Acquisition Act, 1894 (for short 'the 1894 Act') at the instance of the landowners was partly allowed while granting them the benefit of enhanced market value @ Rs.3,00,000/- per acre *qua* the acquired land besides award of statutory benefits/interest as provided under the 1894 Act.

[3]. Briefly stating, in the present case(s), certain land owned by the respondents-landowners situated within the revenue estate of village Ludana Tehsil



Safidon, District Jind, came to be acquired vide Notifications dated 14.02.2000 and 14.12.2001 issued under Sections 4 & 6 of the 1894 Act respectively for the public purpose namely for construction of Ludana Link Drain, followed by an Award passed by the Land Acquisition Collector (for short 'the LAC') on 02.08.2002 considering the recommendations made by the committee under the Chairmanship of worthy Divisional Commissioner, Hisar Division, Hisar, thereby determining the market value of the acquired land @ Rs.1,50,000/- per acre for Nahri/Chahi land.

[4]. Aggrieved thereof, the landowners invoked Reference under Section 18 of the 1894 Act, which came to be partly allowed by the learned Reference Court vide its award dated 14.09.2007, while granting them enhanced compensation @ Rs.3,00,000/- per acre *qua* the acquired land besides awarding all other statutory benefits/interest in their favour under the 1894 Act.

Dis-satisfied with the Award passed by the learned Reference Court, the present appeals were preferred at the instance of the appellant/State as well as landowners.

[5]. Impugning the aforesaid Award, learned counsel for the landowners submits that the learned Reference Court went wrong having failed to award damages on account of severance of land despite having recorded that on account of acquisition of land, bifurcation of the land holdings of the landowners took place.

[5.1]. Learned counsel also submits that the learned Reference Court rightly relied upon the Award dated 26.05.2007 (Ex.PX) passed by it in relation to the three revenue estate of villages namely Ramkali, Bhairo Khera and Digana vide which the land was acquired vide Notification dated 06.02.2002 issued under



Section 4 of the 1894 Act and the market value was assessed @ Rs.3 lakhs per acre besides award of other statutory benefits/interest under the 1894 Act, especially when the revenue estate of village Digana and village Ludana were located at a distance of around 3-4 kms. Learned counsel, thus submits that the impugned Award was required to be modified with grant of damages towards severance in favour of the landowners.

[6]. On the other hand, learned State counsel submits that the learned Reference Court went wrong having discarded the sale deed dated 28.10.2002 Ex.R-1 vide which land measuring 7K-7M was sold for Rs.1,29,000/-, and the base price per acre was Rs.1,40,000/- and the same formed part of the same revenue estate of village Ludana.

[6.1]. Learned State counsel further submits that once the sale instance pertaining to the revenue estate of village Ludana was available on record, the reliance placed upon by the learned Reference Court upon the Award dated 26.05.2007 (Ex.PX) which pertained to village Digana, was wholly misplaced, and as such, the impugned Award was liable to be set aside and the Award passed by the LAC was required to be restored.

[7]. I have heard learned counsel for the parties and gone through the paper book as well as records of the case(s).

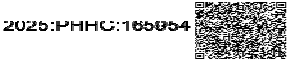
[8]. Perusal of the Award dated 02.08.2002 passed by the LAC shows that the market value of the acquired land was approved @ Rs.1.5 lakhs per acre by the Divisional Price Fixation Committee under the Chairmanship of worthy Divisional Commissioner, Hisar Division, Hisar. A judicial notice needs to be taken of the fact that the aforementioned Committee took note of the Collector rate prevalent in the area at the time of fixation of market price of the acquired land and, therefore,



the sale deed Ex.R-1 dated 28.10.2002 vide which 07 Kanals 07 Marlas of land was sold at the base price of Rs.1.40 lakhs per acre being even less than the same could not be relied upon, it being not a *bona fide* or genuine sale transaction as regards the sale price/consideration.

[9]. As such in the absence of there being genuine or *bona fide* sale transaction relating to the similar kind and nature of land falling within the concerned revenue estate Ludana, being produced on record by either sides, it was wholly justified for the learned Reference Court to have placed reliance upon the Award dated 26.05.2007 (Ex.PX) which pertained to the notification dated 06.02.2002 issued under Section 4 of the 1894 Act relating to the revenue estate of villages namely Ramkali, Bhairo Khera and Digana, especially when it was not been disputed by the learned State counsel (on instructions from Sh. Bijender, SDO, Deptt. of Irrigation, Jind) that the land under acquisition was just 3.5 kms. away from the village Digana. Moreover, it was consistently established on record by the landowners through the deposition of PW-1 Hoshiar Singh and PW-6 Chandgi that the acquired land was located on the State Highway (now National Highway) leading from Jind-Gohana-Sonipat.

[10]. Though the learned Reference Court while having placed reliance upon the Award dated 26.05.2007 (Ex.PX) which pertained to the Notification dated 06.02.2002 issued under Section 4 of the 1894 Act was required to apply the doctrine of de-escalation as the acquisition in the present case(s) was carried out vide Notification dated 14.02.2000 issued under Section 4 of the 1894 Act and there was time of gap of almost 02 years between the two notifications, however, in the given facts and circumstances, the learned Reference Court despite having recorded a finding that due to the acquisition in hand bifurcation of the land



holdings of the landowners took place thereby causing hardship to them towards cultivation and irrigation of their land, yet did not award damages towards severance in their favour, as such, no de-escalation was required to be applied upon the market value assessed vide Award dated 26.05.2007 (Ex.PX). The same being indirectly accounted for and against the damages towards severance. Thus applying the principle of fair and just compensation to be granted to the landowners against compulsory acquisition of their land and also to balance the equities, no interference is called for with the award passed by the learned Reference Court, especially when in case if de-escalation @ 12% per year is applied upon the market value assessed vide Award dated 26.05.2007 (Ex.PX) and thereafter the landowners are granted around 30% towards damages on account of severance of their land holdings, the value payable to the landowners would come to Rs.2,96,400/- per acre which is almost equal to the compensation already assessed and granted in favour of the landowners by the learned Reference Court.

[11]. Accordingly, in view of the discussion made herein above, all the appeal preferred at the instance of State as well as landowners are hereby dismissed there being no scope of interference with the impugned Award passed by the learned Reference Court.

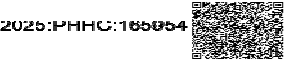
[12]. All pending application(s), if any, shall also stand disposed of.

(HARKESH MANUJA)
JUDGE

November 29, 2025
Atik

Sr. No.	RFA No.	Year	Sr.	RFA No.	Year
1	4206	2007	11	697	2008
2	4207	2007	12	698	2008
3	4208	2007	13	1820	2008
4	4209	2007	14	1821	2008
5	4210	2007	15	1822	2008
6	4211	2007	16	1823	2008
7	4212	2007	17	1934	2008

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8	4213	2007	18	3080	2008
9	4214	2007	19	3122	2008
10	4215	2007	20	3150	2008

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Atik

(HARKESH MANUJA)
JUDGE

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