

2025:PHHC:155568



RFA Nos.1593 of 2009 with other connected cases

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

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1.

RFA No.1593 of 2009 (O&M)

Date of Decision: 11.11.2025

DARBARA SINGH AND ORS.**.....Appellants****Vs****STATE OF HARYANA AND OTHERS****...Respondent(s)**

2.

RFA No.1592 of 2009 (O&M)

SURJIT SINGH AND ORS..**.....Appellants****Vs****STATE OF HARYANA AND OTHERS****...Respondent(s)**

3.

RFA No.1594 of 2009 (O&M)

KASHMIR SINGH AND ORS.**.....Appellants****Vs****STATE OF HARYANA AND ANR.****...Respondent(s)**

4.

RFA No.1595 of 2009 (O&M)

SADHU SINGH AND ANR.**.....Appellants****Vs****STATE OF HARYANA AND ANR.****...Respondent(s)****CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA***

Present: Mr. Manvinder Sidhu, Advocate
for the appellants/landowners.

Mr. Abhinash Jain, D.A.G., Haryana.

HARKESH MANUJA, J. (Oral)

[1]. Vide this common order, the aforementioned appeals are being decided as all 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.1593 of 2009.

[2]. By way of present appeal(s), challenge has been laid to the Award dated 06.11.2007 passed by the learned Addl. District Judge, Sirsa (hereinafter to



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be referred as the 'Reference Court'), whereby Reference Petition 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 awarding statutory benefits/interest as provided under the 1894 Act.

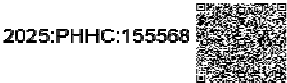
[3]. Briefly stating, in the present case(s), land measuring 11.07 acres situated within the revenue estates of villages Odhan and Ram Nagar, Tehsil Dabwali, District Sirsa, came to be acquired vide Notifications dated 24.04.2001 and 03.05.2001 issued under Sections 4 & 6 of the 1894 Act respectively for the public purpose namely for construction of Odhan Minor RD-31025 to 41685, followed by an Award passed by the Land Acquisition Collector (for short 'the LAC') on 14.05.2002 considering the recommendations made by the Divisional Level Price Fixation Committee thereby assessing the market value of the acquired land @ Rs.1,25,000/- per acre.

[4]. Dis-satisfied with the Award of LAC, the appellant(s)-landowners invoked Reference under Section 18 of the 1894 Act, which came to be partly allowed vide Award dated 06.11.2007, granting enhancement of compensation to Rs.3,00,000/- per acre *qua* the acquired land besides awarding all other statutory benefits/interest in their favour under the 1894 Act.

Aggrieved of the Award passed by the learned Reference Court, the present appeals were preferred at the instance of appellants/landowners.

[5]. Impugning the aforesaid Award, learned counsel for the appellants/landowners submits that the learned Reference Court went wrong having discarded the sale instance produced by the appellants/landowners. He

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points out that the sale Ex.P-3 dated 18.06.1999 vide which 16 Marlas of land was sold @ Rs.3,85,000/- per acre being the highest sale instance was required to be relied upon for the purposes of determination of market value and consequetly, the appeals filed at the instance of the appellants/landowners were to be allowed.

[6]. On the contrary, learned State counsel points out that sale instances produced on record by the landowners were pertaining to small parcels of land, therefore, the same were rightly discarded by the learned Reference Court thus, the impugned Award dated 06.11.2007 calls for no interference, hence, prays for dismissal of the appeal(s).

[7]. 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.

[8]. As per records, the present acquisition pertains to the revenue estates of villages Odhan and Ram Nagar. The acquisition was carried out for the public purpose namely for construction of Odhan Minor RD-31025 to 41685. Records show that the appellants/landowners have proved on record three sale instances Ex.P-1, Ex.P-2 and Ex.P-3. The details thereof are extracted hereunder:-

<i>Sr. No.</i>	<i>Ex.</i>	<i>Date of sale deed</i>	<i>Land</i>	<i>Village</i>	<i>Price per acre</i>
1	Ex.P1	12.11.2001	3K.2 Marlas	Ram Nagar	Rs.1,44,998/-
2	Ex.P2	8.7.1998	16 Marlas	Ram Nagar	Rs.2,90,000/-
3	Ex.P3	18.6.1999	16 Marlas	Ram Nagar	Rs.3,85,000/-

[9]. From perusal of the aforementioned details, the sale instance Ex.P-1 relates to post notification period and thus the same needs to be discarded. Further the sale instance Ex.P-3 dated 18.06.1999 which pertains to 16 Marlas of land situated within the same revenue estate of village Ram Nagar, being the highest



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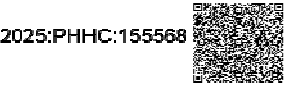
sale consideration needs to be relied upon especially when no evidence has been led from the side of respondents to cast any doubt upon the *bona fide* or genuineness of the said sale transaction.

[10]. Moreover, considering the fact that there is a time gap of around 01 year and 10 months between the date of sale deed Ex.P-3 (18.06.1999) and date of issuance of notification under Section 4 of the 1894 Act (24.04.2001) in the case(s) in hand, compound escalation @ Rs.12% needs to be awarded over the sale price per acre derived from the sale exemplar Ex.P-3 dated 18.06.1999 which comes to Rs.4,74,320/-. Since the sale instance Ex.P-3 pertains to small parcel of land measuring 16 Marlas, therefore, a deduction @ 25% needs to be applied and the value thus, comes to Rs.3,55,740/- per acre. No further cut towards any development cost is required as the acquisition is for construction of Minor and thus the respondent-State did not suffer any loss of land or incurred cost for providing any infrastructural amenities.

[11]. Accordingly, the market value for the land under acquisition is assessed @ Rs. Rs.3,55,740/- per acre. In addition, the landowners shall also be entitled for award of all statutory benefits and interest as provided under the provisions of the 1894 Act (amended upto to date). The landowners shall also be entitled for solatium @ 30% besides award of interest thereupon.

[12]. Furthermore, considering the fact the land in the present case(s) was acquired for the public purpose namely for construction of Odhan Minor RD-31025 to 41685 which definitely and conclusively dissects the land by bifurcating it into two parts, in such circumstances, the appellants/landowners are bound to suffer loss towards cultivation of land besides causing them

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inconvenience towards connectivity of the parcels left on either side of the Minor. Moreover, severance also causes reduction in value of remaining land due to alteration in access, useability, irregularity of shape and loss of agricultural viability etc., thus, it would be appropriate to award damages against severance of land in favour of the landowners @ Rs.25% of the market value as assessed by this Court, however, subject to proof of loss by the appellants/landowners in the executing proceedings.

[13]. Accordingly, in view of the discussion made herein above, the appeals preferred at the instance of appellants-landowners are hereby partly allowed.

[14]. 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 application(s) before the learned Executing Court.

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

November 11, 2025
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(HARKESH MANUJA)
JUDGE

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