IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

108

RFA No.7430 of 2011 (O&M)
with other connected cases.

Date of Decision: 16.09.2025

SURENDER SINGH AND ORS **.....Appellants**

Vs

STATE OF HARYANA AND ORS **...Respondent(s)**

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

Present: Mr. Gopal Sharma, Advocate
Mr. Amit Kumar Jain, Advocate and
Mr. Sudhir Rana, Advocate and
Mr. Ankush Duhan, Advocate
for the appellants/landowners.

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

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HARKESH MANUJA, J. (Oral)

[1]. Vide this common order, a bunch of 15 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 common facts and question of law. For the sake of brevity, facts are being taken from RFA No.7430 of 2011.

[2]. By way of present appeal(s), challenge has been laid to the Award dated 19.01.2011 passed by the learned Addl. District Judge, Rewari (hereinafter to 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

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enhanced market value @ Rs.16,00,000/- per acre *qua* the acquired land besides awarding other statutory benefits/interest in their favour under the 1894 Act.

[3]. Briefly stating, in the present case(s), land measuring 4.24 acres situated within the revenue estate of village Gokalgarh, Tehsil and District Rewari, came to be acquired vide Notifications dated 09.10.2006 and 02.11.2006 issued under Sections 4 & 6 of the 1894 Act respectively for the public purpose, namely, constructing Gokalgarh Minor from K.M. 0.0.000 to 1.627 off taking K.M. 1.100/L of Budhpur distributory in the revenue estate of village Gokalgarh, Tehsil and District Rewari; followed by an Award passed by the Land Acquisition Collector (for short 'the LAC') on 08.03.2007 determining the market value of the acquired land @ Rs.12,50,000/- per acre alongwith other statutory benefits.

[4]. Aggrieved thereof, the appellant(s)-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 19.01.2011, granting them enhanced compensation @ Rs.16,00,000/- per acre *qua* the acquired land besides awarding all other statutory benefits/interest in their favour as provided under the 1894 Act.

[5]. Impugning the aforementioned Award, learned counsel for the appellants submits that the learned Reference Court went wrong while discarding the sale instances Ex.P-1 to P-7 which were duly proved on record. Learned counsel further submits that since the acquisition in the present case was merely for 4.24 acres of land, the sale instances Ex.P-1 to Ex.P-7 though relating to small parcels of land, upon application of appropriate cut should have been considered by the learned Reference Court for the purpose of assessment of market value of the acquired land. A comparative table of the sale instances Ex.P-1 to Ex.P-7

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which were duly proved on record by the appellants/landowners are extracted hereunder:-

Sr. No	*Sale deed*	*Dated*	*Village*	*Area*	*Amount*	*Rate per acre*	***Rate per sq. yard***	***Ex.***
1	*5592*	*19.11.04*	*Gokalgarh*	*0-4M*	*58000*	*2320000*	***450/-***	***P1***
2	*230*	*20.4.2005*	*Gokalgarh*	*0-4M*	*58000*	*2320000*	***450/-***	***P2***
3	*7565*	*3.3.2005*	*Gokalgarh*	*1K0M*	*266500*	*2132000*	***450/-***	***P3***
4	*5796*	*2.12.2004*	*Gokalgarh*	*0-10M*	*140500*	*2448000*	***450/-***	***P4***
5	*4550*	*24.09.2004*	*Gokalgarh*	*0-4M*	*54000*	*2160000*	***450/-***	***P5***
6	*3167*	*31.10.02*	*TPC Scheme No.9 Rewari*	*0-6M*	*272000*	*7744000*	***1600/-***	***P6***
7	*6209*	*19.1.2006*	*Gangaich Ahir*	*0-5M*	*130000*	*4160000*	***867/-***	***P7***

[5.1]. Learned counsel also places reliance upon the decision dated 29.07.2025 passed by this Court in ***RFA No.7146 of 2012 (with other connected cases)*** titled '***Rajender Singh and others vs. State of Haryana and others***' whereby the market value with regard to the acquisition of land carried out in terms of Notifications dated 06.11.2006 and 24.11.2006 issued under Sections 4 and 6 of the 1894 Act respectively for the same purpose i.e. for construction of Minor under the Budhpur distributory in the same revenue estate of village Gokalgarh was determined @ Rs.47,90,909/- per acre and submits that the appellants were entitled for award of same market value.

[6]. On the other hand, learned State counsel submits that no interference is called for with the Award passed by the learned Reference Court, whereby market value of the acquired land was assessed @ Rs.16,00,000/- per acre while relying upon the Award passed by the LAC under Section 11 of the 1894 Act

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pertaining to the revenue estate of village Lisana which abuts the revenue estate of village Gokalgarh and the land therein was acquired in terms of Notification dated 26.09.2006 under Section 4 of the 1894 Act. Learned State counsel also points out that even as per the sale deeds Ex.P-1, Ex.P-2, Ex.P-4 and Ex.P-5 which were proved on record by the landowners; the same being of small area, the market value upon applying 1/3rd cut would come to around Rs.16,00,000/- per acre only which has already been assessed by the learned Reference Court and, thus the appeals filed at the instance of appellants/landowners were liable to be dismissed.

[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]. It is relevant to notice here that the evidence relied upon by the landowners in the case of ***RFA No.7146 of 2012 (with other connected cases)*** titled '***Rajender Singh and others vs. State of Haryana and others*** in the form of sale instances is exactly the same as has been in the present case by the appellants herein. A chart of sale deeds sale deeds Ex.PW-8/3 to Ex.PW-8/6 extracted from the judgment passed in the aforementioned case of ***Rajender Singh and others*** is given as under:-

Sr.No.	*Sale Deed*	*Dated*	*Village*	*Area K-M*	*Sale Consideration (Rs.)*	*Rate per acre (Rs.)*	*Exhibit*
1	*5592*	*19.11.2004*	*Gokalgarh*	*0-4*	*58,000/-*	*23,20,000/-*	*PW-8/3*
2	*230*	*20.04.2005*	*Gokalgarh*	*0-4*	*58,000/-*	*23,20,000/-*	*PW-8/4*
3	*5796*	*02.12.2004*	*Gokalgarh*	*0-10*	*1,40,500/-*	*22,48,000/-*	*PW-8/5*
4	*4550*	*24.09.2004*	*Gokalgarh*	*0-4*	*54,000/-*	*21,60,000/-*	*PW-8/6*

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[8.1]. A perusal of decision passed in case of ***Rajender Singh and others*** (supra) reflects that the above mentioned sale deeds were not taken into account as exemplar sale instances and based on other evidence on record, the market value for the revenue estate of Gokalgarh was assessed at Rs.47,90,909/- per acre, as on the date of notification dated 06.11.2006, issued under Section 4 of the 1894 Act in the said case.

[9]. Moreover, perusal of decision dated 29.07.2025 passed by this Court in ***Rajender Singh and others (supra)*** clearly reflects that the land acquired in the said case even formed part of the revenue estate of village Gokalgarh and was acquired for the same purpose i.e. for the construction of Minor under the Budhpur distributory in the same revenue estate of village Gokalgarh; though there was a minor difference of less than 30 days between the two notifications in the two acquisitions. The acquisition in the present case commenced vide Notification dated 09.10.2006 whereas the acquisition in the case of '***Rajender Singh and others*** (supra) commenced vide Notification dated 06.11.2006 and as such while relying upon the determination made by this Court in case of ***Rajender Singh and others*** (supra), the market value of the land under acquisition in the present appeal is assessed @ Rs.47,90,909/- per acre along with all other statutory benefits and interest payable under the provisions of the 1894 Act.

[10]. Consequently, in view of the discussion made herein above, all the appeals preferred at the instance of appellants-landowners are hereby partly allowed in the aforesaid terms.

[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

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own names being legal heirs or legal representatives of the deceased landowners; subject to of course any testamentary document created by the deceased.

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

(HARKESH MANUJA)
JUDGE

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

Sr No.	Case No.	Title
1	RFA-7431-2011 (O&M)	NANAK RAM AND ORS V/S STATE OF HARYANA AND ORS
2	RFA-7432-2011 (O&M)	HARKESH AND ORS V/S STATE OF HARYANA AND ORS
3	RFA-7433-2011 (O&M)	RAJESH AND ORS V/S STATE OF HARYANA AND ORS
4	RFA-7434-2011(O&M)	SURENDER SINGH AND ORS V/S STATE OF HARYANA AND ORS
5	RFA-7435-2011(O&M)	KAMLESH V/S STATE OF HARYANA AND ORS
6	RFA-7436-2011(O&M)	SHER SINGH AND ORS V/S STATE OF HARYANA AND ORS
7	RFA-7437-2011(O&M)	RAJBIR AND ORS V/S STATE OF HARYANA AND ORS
8	RFA-7438-2011(O&M)	SHEODAN AND ORS V/S STATE OF HARYANA AND ORS
9	RFA-328-2017(O&M)	RAJESH V/S STATE OF HARYANA AND ORS
10	**RFA-587-2017**(O&M)	**AMAR SINGH AND ORS V/S STATE OF HARYANA AND ORS**
11	**RFA-2213-2018**(O&M)	**BANWARI LAL AND ORS V/S STATE OF HARYANA AND ORS.**
12	**RFA-2271-2018**(O&M)	**BANWARI LAL AND ORS V/S STATE OF HARYANA AND ORS.**
13	**RFA-7317-2011** (O&M)	**SUMER SINGH AND ORS V/S STATE OF HARYANA AND ORS.**
14	**RFA-7318-2011** (O&M)	**SUNIL YADAV ANA ANR. V/S STATE OF HARYANA AND ORS.**

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