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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA-4152-2013 (O&M) and other connected cases
Date of Decision: December 23, 2025

RAJIV AND ORS ....Appellants

Versus

STATE OF HARYANA AND ORS .....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. S.P. Tyagi, Advocate,
Mr. Anil Dutt, Advocate and
Mr. Rajender Chhokar, Advocate for the appellant(s).

Mr. Anand Singh, Advocate for the appellants
in RFA Nos.1007/2014, 4029 and 4030 of 2013.

Mr. Ram Pal Verma, Advocate for the appellants
in RFA Nos.4034 and 4035 of 2013.

Mr. Abhishek Yadav, DAG, Haryana.

Mr. Prateek Mahajan, Advocate and
Mr. Daanish Mahajan, Advocate for respondent No.3.

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HARKESH MANUJA, J. (ORAL)

CM-1062-CI-2020

Present application is for seeking permission to produce and prove the documents i.e. Exs. A-1 to A-8 as additional evidence.

Notice of the application was issued to respondents (HAFED) and reply to the same stands filed.

I have heard learned counsel for the parties and gone through the contents of the application. Considering the authenticity and genuineness of documents which mainly form part of official records and the veracity thereof, having not been assailed by the respondents, the prayer made in the application is allowed and documents i.e. Annexures A-1 to A-6 and A-8 are taken on record as additional evidence. Otherwise also the documents sought to be produced are going to help the Court to adjudicate the appeal in hand in a more effective manner.

Besides it, site plan (Ex. R-1) is also taken on record as the same would assist this Court in determining the fair and just market value.

MAIN CASE

A batch of 7 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-4152-2013.

By way of present appeal, challenge has been laid to the judgment dated 14.12.2012 passed by the learned Additional District Judge, Sonipat, whereby the reference petition filed under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act') by the appellants-landowners, seeking enhancement of compensation was dismissed.

2. Briefly stating, land measuring 1 acre 5 kanals, situated within the revenue estate of Village Ganaur, Hadbast No.104, Tehsil Ganaur and District Sonipat was acquired for the public purpose for establishment of new Vegetable Market at Ganuar vide notifications dated 06.10.2006 and 10.07.2007 issued under Sections 4 and 6 respectively of the Act. The Land Acquisition Collector (for short 'LAC') passed Award No.10 dated 19.09.2008 assessing the market value at the rate of Rs.35,00,000/- per acre along with other statutory benefits.

3. The appellant(s)-landowner(s), feeling dissatisfied with the award, sought reference under Section 18 of the Act pleading that the LAC had not taken into consideration all relevant facts as the market value of the acquired land was not less than Rs.2.5 crores and the same falls in National Capital Region (NCR). Moreover, it was pleaded that the acquired land was situated adjacent to GT Road National Highway and thus had potential for residential and also for commercial purpose.

4. Upon notice, respondent No.3 filed written statement stating that LAC rightly awarded the compensation as the acquired land was agricultural in nature and formed part of the controlled area under the provisions of Act No.41 of 1963.

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

> "1. Whether the petitioners are entitled to amount claimed in their petitions for acquired land as market value has not been paid by Land Acquisition Collector vide award dated 19.09.2008? OPP
>
> 2. Relief."

6. In order to prove their case, both the parties led their respective evidences. The appellants examined Rambir as PW-1, Joginder Sharma, Architect as PW2, Rajbir as PW-3, Shyam Roop as PW-4 and Ram Singh, Clerk, Municipal Committee as PW5 besides tendering certain documents i.e. Exs. P-1 to P-23 in evidence. On the other hand, respondents examined Rajinder Singh Dahiya, D.M., HAFED, Sonepat as RW-1 besides tendering certain documents i.e. EXs. R-1 to R-8.

7. After considering the evidence, the learned Additional District Judge, Sonipat, vide award dated 14.12.2012 dismissed the petition filed

at the instance of appellants and upheld the amount of compensation awarded to the appellants-landowners by the LAC.

8. Aggrieved of the aforesaid award dated 14.12.2012 passed by the learned Additional District Judge, Sonipat, the appellants-landowners filed the present appeal.

10. Learned counsel appearing on behalf of appellants-landowners while relying upon document taken on record as Annexure A-8 i.e. decision dated 06.09.2017 passed by the Hon'ble Apex Court in Civil Appeal No.15179 of 2017 titled as ***"Ashok Kumar Vs. State of Haryana and Ors."*** submits that once the market value with respect to the land forming part of adjoining revenue estate of Village Garhi Kesri, acquired vide notification dated 02.05.2007 issued under Section 4 of the Act was assessed at Rs.45,00,000/- per acre, suitable enhancement was required to be awarded in favour of appellants-landowners by applying the doctrine of de-escalation after making appropriate deduction for the time gap between the two notifications. Learned counsel also submits that the market value was required to be re-assessed and enhanced on the basis of communication dated 28.02.2011 (Annexure A-3) written by the O/o Chief Administrator, HSAMB, Panchkula to the Managing Director, HAFED, Sector-5, Panchkula whereby the price of the part of land under acquisition was demanded at Rs.10,38,86,880/- at the time of its transfer by the HSAMB, Panchkula to the HAFED, Panchkula. He also points out that learned Reference Court went wrong having discarded the sale deeds produced by the appellants-landowners in the shape of Exs. P-1 to P-5, P-9, P-10, P-12, P-14, P-16 to P-23. He further submits that in terms of the aforementioned sale deeds which formed part of same village Garhi Kesari, the market value was required to be

assessed @ Rs.95,00,000/- per acre. In view of the above, learned counsel for the appellants-landowners submits that compensation amount was required to be enhanced in favour of appellants-landowners.

11. On the other hand, learned counsel for the respondents submits that in the given facts and circumstances , the principle of de-escalation was not to be applied as the price of the land increased manifold in the area as an effect of the previous acquisition carried out vide notification dated 06.10.2006. Further, learned counsel for the respondents submits that the communication dated 28.02.2011 was merely a demand issued by the HSAMB, Panchkula to the Managing Director, HAFED, Panchkula and that too for around 12 sites in total and not exclusively for the land under present acquisition. He submits that market price per acre paid against the land under acquisition was only Rs.30,00,000/-. Learned counsel for the respondents also points out that the sale deeds produced by the appellants-landowners was rightly discarded by the learned Reference Court as none of the vendors or vendees ever appeared and the sale deeds were executed only against part consideration followed by long-drawn dispute between vendors and vendees with respect to the unpaid price and thus, no interference is called for with the impugned award.

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

13. In the first instance, it may be noted here that all the sale transactions produced and proved on record by the appellants-landowners in the form of Exs.P-1 to P-5, P-9, P-10, P-12, P-14, P-16 to 23 relate to the alienations between the owners and one developer with

the name of M/s. AJS Builders. The record shows that the sale transactions took place against 20% of payment made at the time of execution of sale deed with around balance 80% sale price payable by way of post-dated cheques which later got dishonoured followed by long-drawn litigation between the landowners and the said builder. Further, as rightly recorded by the learned Reference Court, none of the vendor or vendee was ever examined by the appellants-landowners as regards the payment of balance sale consideration. In such circumstances, for the purpose of determination of market value qua the acquired land, such sale transactions were rightly discarded by the learned Reference Court and as such, no interference on the said issue is called for.

14. Further, the perusal of the letter/communication dated 28.02.2011 shows that a demand of Rs. 10,38,86,880/- was made by Chief Administrator, HSAMB, Panchkula to Managing Director, HAFED, Panchkula against the transfer of land under present acquisition. However, no document whatsoever has been produced by the appellants-landowners to show the rate applied finally and the total amount paid by HAFED to HSAMB, Panchkula against transfer of the land in question thus, the communication dated 28.02.2011 was having no evidentiary value for the purpose of determination of market value of the land in question and the same was not to be made basis for re-assessment of amount of market value against the acquired land. As regards, the determination made by the Hon'ble Apex Court vide its decision dated 06.09.2017 in Civil Appeal No.15179 of 2017 titled as ***"Ashok Kumar Vs. State of Haryana and Ors."*** it is discernable that the same relates to the acquisition initiated vide notification dated

02.05.2007, pertaining to the 3 revenue estates of villages Lalheri, Barhi and Garhi Kesari, for the public purpose, namely, for establishment of an Industrial Estate by HSIIDC and the market value was assessed @ Rs.45,00,000/- per acre.

15. Perusal of the site plans Annexures A-1 and R-1 show that both the parcels i.e. land under present acquisition and the land acquired under notification dated 02.05.2007 are located near GT road. In fact, the land under present acquisition is existing on one side of the old Gannaur Town towards Panipat whereas, land acquired vide notification dated 02.05.2007 is existing on the other side of the Old Gannaur Town i.e. towards Delhi. The distance of the present acquired land from Old Gannaur Town is just about 3 acres (diagonally) whereas, the distance between the land acquired vide notification dated 02.05.2007 and the old Gannaur Town is almost 10 to 12 acres and the same thus, shows that the land under acquisition, being closer to the already developed Gannaur town, was having potential advantage. The land under present acquisition pertains to revenue estate of Village Gannaur whereas, land forming part of acquisition carried out vide notification dated 02.05.2007 was related to Village Garhi Kesari. From the record, it is apparent that both the revenue estates are abutting and adjoining and as such, they possess similar potential and locational advantage.

16. In such circumstances, it would be appropriate to rely upon the determination made by the Hon'ble Apex Court vide decision dated 06.09.2017 in Civil Appeal No.15179 of 2017 titled as ***"Ashok Kumar Vs. State of Haryana and Ors."*** pertaining to revenue estate of Village Garhi Kesari vide which the market value of the land under acquisition

was assessed at Rs.45,00,000/- per acre for the land acquired vide notification dated 02.05.2007. However, since there is a difference of around 7 months between the two notifications, it would be appropriate to apply deduction of 10% for the time gap between the two notifications dated 06.10.2006 and 02.05.2007. Accordingly, the market value for the acquisition in hand is assessed at Rs.40,50,000/- per acre. It may also be noticed here that from perusal of the record, it can be traced out that the total land under acquisition measuring 10 acres 5 kanals and 12 marlas is in the form of one compact block approximately of 3 acres X 4½ acres and therefore, it may not be appropriate to apply the belting system while assessing the market value. It may also be noticed here that vide decision dated 15.11.2019 passed in RFA-684-2012 titled as Smt. Brijesh and Anr. Vs. State of Haryana and Ors., this Court assessed the market value @ Rs.40,50,000/- per acre for the acquisition carried out in terms of notification dated 07.02.2007 issued under Section 4 of the Act pertaining to the revenue estate of village Ganaur and the same was even upheld by the Hon'ble Apex Court vide order dated 22.01.2021 passed in Special Leave Petition (Civil) Diary No.7762 of 2020 titled as "***Dharamabir Etc. Vs. The State of Haryana and Ors.***" Accordingly, the landowners are entitled for grant of benefit of uniform rate of Rs.40,50,000/- per acre along with all other statutory benefits including interest on solatium with respect to the acquisition in hand.

17. In view of the aforesaid circumstances, the present appeal is disposed of with the aforesaid modification.

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.

19. Pending application(s), if any, shall also stand disposed of.

23.12.2025 **(HARKESH MANUJA)**
Tejwinder **JUDGE**

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

Other connected cases
RFA-1007-2014
RFA-4029-2013
RFA-4030-2013
RFA-4034-2013
RFA-4035-2013
RFA-4153-2013