IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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1. RFA No.2679 of 2016 (O&M)
Date of Decision: 11.11.2025

RAM CHANDER ......Appellant
Vs
STATE OF HARYANA AND OTHERS ...Respondent(s)

2. RFA No.2675 of 2016 (O&M)

RAGHUBIR SINGH ......Appellant
Vs
STATE OF HARYANA AND OTHERS ...Respondent(s)

3. RFA No.2676 of 2016 (O&M)

JAIBIR SINGH ......Appellant
Vs
STATE OF HARYANA AND OTHERS ...Respondent(s)

4. RFA No.2677 of 2016 (O&M)

KRISHNA DEVI AND ORS. ......Appellants
Vs
STATE OF HARYANA AND OTHERS ...Respondent(s)

5. RFA No.2678 of 2016 (O&M)

KANWAR BHAN AND ORS. ......Appellants
Vs
STATE OF HARYANA AND OTHERS ...Respondent(s)

6. RFA No.380 of 2017 (O&M)

SMT. BHATERI ......Appellant
Vs
STATE OF HARYANA AND OTHERS ...Respondent(s)

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

Present: Mr. Shailendra Jain, Sr. Advocate with
Mr. Rahul, Advocate and
Mr. Munish Sharma, 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, all the aforementioned appeals are being decided as the same 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.2679 of 2016.

[2]. By way of present appeal(s), challenge has been laid to the Award dated 04.12.2015 passed by the learned Addl. District Judge, Hisar (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 dismissed.

[3]. Briefly stating, in the present case(s), land measuring 21.44 acres situated within the revenue estate of village Dabra, Tehsil and District Hisar, came to be acquired vide Notifications dated 29.03.2007 and 05.03.2008 issued under Sections 4 & 6 of the 1894 Act respectively for the public purpose namely for construction of Sewerage Treatment Plant, Dabra (Hisar). An Award was passed by the Land Acquisition Collector (for short 'the LAC') on 08.09.2008 thereby determining the market value of the acquired land @ Rs.8,00,000/- per acre.

[4]. Being dis-satisfied with the aforesaid Award, the appellant(s)-landowners invoked Reference under Section 18 of the 1894 Act, however the same was dismissed with cost(s) by the learned Reference Court vide its Award dated 04.12.2015. Aggrieved thereof, the present appeals were preferred at the instance of landowners.

[5]. Impugning the aforesaid Award, learned Senior counsel representing the appellants/landowners submits that the learned Reference Court went wrong having discarded the sale deeds Ex.P-8 and Ex.P-9 proved on record from the side

of the appellants-landowners, especially the sale deed Ex.P-8 dated 28.03.2006 in particular, which pertained to 04 Kanals 08 Marlas of land and the sale was effected @ Rs.25,00,000/- per acre against the sale consideration of Rs.13,75,000/-.

[5.1]. Learned Senior counsel further submits that the reliance placed upon the sale instances produced by the respondents was wholly misplaced as the learned Reference Court was required to take into account the highest of the sale exemplars while making assessment of market value against the acquired land. He thus, submits that the Award passed by the learned Reference Court needs to be set aside while granting further enhancement of compensation in favour of the appellants/landowners. The details of sale instance relied upon by the landowners is extracted hereunder:-

| Sr. No. | Registry No./Dated | Khasra Nos. | Area K-M | Amount | Amount Per Sq. Yards | Amount Per Marla | Amount Per Acre | Remarks |
|---|---|---|---|---|---|---|---|---|
| 1 | 14859/28.03.2006 | 103/25M(4-0), 16M (0-8) | 4-8 | 13,75,000/- | 516.52 | 15625/- | 25,00,000/- | Ex.P8 |
| 2 | 9521/01.12.2004 | 52//6/1/2(3-9) | 3-9 | 13,67,000/- | 654.92 | 19811.59 | 31,69,855/- | Ex.P9 |

[6]. On the other hand, learned State counsel submits that the Award passed by the learned Reference Court was well reasoned as the same was based upon proper appreciation of the sale deeds produced on record by the respondents. The details thereof are given as under:-

| Sr. No. | Registry No./Dated | Khasra Nos. | Area K-M | Amount | Amount Per Sq. Yards | Amount Per Marla | Amount Per Acre | Remarks |
|---|---|---|---|---|---|---|---|---|
| 1 | 2137/01.12.2004 | 8//17/2(2-12), 18(8-0), 19(8-0)20(8-0), 9//16 (7-12) Total 34 | 34-4 | 24,80,000/- | 119.85/- | 3625.73/- | 5,80,117/- | Ex.R-3 |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | K 4M | | | | | | |
| 2 | 7463/27.10.2008 | 8//17/2(2-12), 18(8-0), 19(8-0)20(8-0), 9//16 (7-12) Total 34 K 4M | 34-4 | 27,00,000/- | 130.49/- | 3947/- | 6.31,759/- | Ex.R-4 |
| 3 | 1214/04.05.2007 | 60//16(4-18), 17(8-0), 18(3-16)25(8-0), 61//21(1-6) Total 26 K 0M | 26-0 | 13,00,000/- | 82.64/- | 2500/- | 4,00,000/- | Ex.R-5 |
| 4 | 13510/30.03.2007 | 26//21/2(0-8), 27//23(3-4), 24//2(7-7)25//2(7-7), 35//4 (8-8), 5(8-0)6/1(5-7) 7/1(0-11) Total 23 K 13M | 23-13 | 10,35,000/- | 72.33/- | 2188/- | 3,50,106/- | Ex.R-6 |
| 5 | 11061/07.02.2007 | 60//13(5-19), 14(7-7), 15(4-10) 16(2-4) Total 20 K 0 M | 20-0 | 8,75,000/- | 72.31/- | 2187/- | 3,50,000/- | Ex.R-7 |
| 6 | 14835/28.03.2006 | 4//21(6-18), 22(6-18), 23(6-18) 24(4-13), 5//25(6-18), 16//3/2(7-7) 4(7-11), 5/1(2-13) Total 49 K 16 M | 2-2 | 50,000/- | 39.35/- | 1190.47/- | 1,90,476/- | Ex.R-8 |
| 7 | 14940/30.03.2006 | 4//21(6-18), 22(6-18), 23(6-18) 24(4-13), 5//25(6-18), 16//3/2(7-7) 4(7-11), 5/1(2-13) Total 49 K 16 M | 1-14 | 41,000/- | 39.86/- | 1205.88/- | 1,92,941/- | Ex.R-9 |
| 8 | 14941/30.03.2006 | 4//21(6-18), 22(6-18), 23(6-18) 24(4-13), 5//25(6-18), 16//3/2(7-7) 4(7-11), 5/1(2-13) Total 49 K 16 M | 1-14 | 41,000/- | 39.86/- | 1205.88/- | 1,92,941/- | Ex.R-10 |
| 9 | 14942/30.03.2006 | 4//21(6-18), 22(6-18), 23(6-18) 24(4-13), 5//25(6-18), 16//3/2(7-7) 4(7-11), | 1-14 | 41,000/- | 39.86/- | 1205.88/- | 1,92,941/- | Ex.R-11 |

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|---|---|---|---|---|---|---|---|---|
| | | 5/1(2-13) Total 49 K 16 M | | | | | | |
| 10 | 14943/30.03.2006 | 4//21(6-18), 22(6-18), 23(6-18) 24(4-13), 5//25(6-18), 16//3/2(7-7) 4(7-11), 5/1(2-13) Total 49 K 16 M | 1-14 | 41,000/- | 39.86/- | 1205.88/- | 1,92,941/- | Ex.R-12 |
| 11 | 4177/03.07.2007 | 51//20/2(0-12), 52//6/2(1-4), 14(8-0) 15(7-8) Total 17 K 4 M | 17-4 | 8,60,000/- | 82.64/- | 2500/- | 4,00,000/- | Ex.R-13 |
| 12 | 5564/06.08.2007 | 8//17/2(2-12), 18(8-0), 19(8-0) 20(8-0), 9//16(7-12) Total 34 K 4 M | 34-4 | 24,90,000/- | 120.34 | 3640/- | 5,82,456/- | Ex.R-14 |
| 13 | 8453/22.11.2005 | 2//16/2(8-0), 17(8-0), 18/1(3-4) 23/2(2-8) 24(8-0), 25(8-0) | 0-7 | 30,000/- | 141.67/- | 4285.71/- | 6,85,714/- | Ex.R-15 |
| 14 | 9801/21.02.2005 | 35//14/2/1(0-19) | 0-19 | 85,000/- | 147.89/- | 4473.68/- | 7,15,789/- | Ex.R-16 |
| 15 | 5471/29.08.2005 | 1//25(8-0), 2//21(8-0), 22(8-0) 23/1(2-8) Total 26 K 8 M | 26-8 | 15,00,000/- | 93.91/- | 2841/- | 4,54,545/- | Ex.R-17 |

[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]. In view of latest exposition of law laid down by the Hon'ble Apex Court in case of ***Horrmal Vs. State of Haryana***, reported as ***'2024(4) R.C.R. (Civil) 758'***, while making assessment of market value, the highest of sale exemplar

pertaining to the similar nature of land needs to be relied upon. Relevant paragraph Nos.27 and 28 thereof are extracted hereunder:-

> *"27. In the instant case, there are multiple sale deeds of smaller plots, and these represent the best available evidence for estimating compensation. Since there is no legal impediment to considering such sale deeds, the logical progression in the compensation estimation process would be to identify the most suitable sale deed(s) for determining the market value and subsequently, to apply adequate deductions on the same. The solution to this state of flux may thus be found in the case of* ***Mehrawal Khewaji Trust v. State of Punjab, (2012) 5 SCC 432*** *where this Court laid down as follows:*
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> > *"....It is clear that when there are several exemplars with reference to similar lands, it is the general rule that the highest of the exemplars, if it is satisfied that it is a bona fide transaction, has to be considered and accepted. When the land is being compulsorily taken away from a person, he is entitled to the highest value which similar land in the locality is shown to have fetched in a bona fide transaction entered into between a willing purchaser and a willing seller near about the time of the acquisition."*
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> *28. This view has been reiterated in* ***Sh. Himmat Singh v. State of M.P., (2013) 16 SCC 392*** *where a three-judge bench of this Court consolidated various precedents to affirm that in circumstances where there are multiple sale deeds available for consideration, the Court shall rely on the highest valued exemplars unless the prices fall within a narrow range, in which case calculating an average of the values therein may be more congruous."*

[9]. In the fact and circumstances of the present case the land under acquisition falls within the revenue estate of village Dabra, Tehsil and District Hisar. Admittedly, the sale instances produced on record by the landowners in the form of Ex.P-8 and P-9 as well as the sale instances produced on record from the side of respondents as Ex.R-3 to Ex.R-17 pertained to the same revenue estate of village Dabra only. A perusal of site plan Ex.P-7 shows that village Dabra is a

huge revenue estate having vast area and it abuts already developed sectors of Urban Estate, Hisar towards its North and it goes towards Tosham in the Southern direction. However, the sale deeds produced on record by the respondents as Ex.R-4, Ex.R-5, Ex.R-6, Ex.R-13 and Ex.R-14 are all post notification under Section 4 of the 1894 Act in the case(s) in hand and, thus need to be discarded. With respect to the remaining sale deeds Ex.R-3, Ex.R-7, Ex.R-8 to Ex.R-12 and Ex.R-15 to Ex.R-17, the same need to be ignored in the wake of Ex.P-8 and Ex.P-9 for the simple reason that in term of the law laid down by the Hon'ble Apex Court in case of ***Horrmal Vs. State of Haryana*** (supra), the sale exemplar fetching the highest sale price needs to be relied upon for the purposes of determination of market value towards the acquired land.

[10]. In such circumstances, the sale instance Ex.P-8 dated 28.03.2006 vide which the land measuring 04 Kanals 08 Marlas has been alienated for a sum of Rs.13,75,000/- against the market value of Rs.25,00,000/- per acre is to be relied upon especially when the perusal of site plan Ex.P-7 clearly shows that in comparison to the sale deed Ex.P-9 dated 01.12.2004, the sale exemplar Ex.P-8 dated 28.03.2006 is identically placed as against the acquired land. The land forming part of Ex.P-9 is just abutting the road leading from Hisar to Tosham, whereas the land forming part of Ex.P-8 as well as the acquired land are almost similarly located geographically and thus, apparently are of similar nature and potential. Further considering the fact that there is a time gap of almost 01 year between the sale exemplar Ex.P-8 dated 28.03.2006 and the date of notification under Section 4 of the 1894 Act i.e. 29.03.2007 in the case(s) in hand, an appreciation @ 12% needs to be awarded over the sale price per acre derived from the sale exemplar Ex.P-8 which, thus comes to Rs.28,00,000/- per acre.

[11]. In the given facts, when the sale exemplar Ex.P-8 pertains to a parcel of land measuring 04 Kanals 08 Marlas, no deduction needs to be made towards the smallness of area pertaining to the sale exemplar particularly when the said area of 04 Kanals 08 Marlas cannot be treated to be a relatively small parcel of land as against the acquisition of 21.44 acres of land in the present case(s). In support of the aforementioned, it may also be noticed that a perusal of site plan Ex.P-7 shows that the land under acquisition is nearer to the road leading from Hisar to Tosham as compared to the land forming part of sale Ex.P-8 and, thus is having better locational advantage. Furthermore, since the acquisition in the present case(s) is for public purpose namely for the construction of Sewerage Treatment Plan, Dabra (Hisar) and a compact block of 21.44 acre of land has been acquired for the said purpose, the respondents/State has not suffered loss towards utilization of land or even incurred cost(s) for providing of additional infrastructural amenities and thus, no cut needs to be applied towards the development cost.

[12]. Accordingly, the market value for the land under acquisition is assessed @ Rs.28,00,000/- 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 as well.

[13]. 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.

[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.

(HARKESH MANUJA)
JUDGE

November 11, 2025
*Atik*

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