2025:PHHC:167610

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

RFA-4727-2016 (O&M)
Decided on:-01.12.2025

Haryana State Industrial Development Corp.
(now HSIIDC) ....Appellant..

vs.

Yudhbir Singh and others ....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Pritam Singh Saini, Advocate for the appellant-HSIIDC.

Mr. Ashwani Bakshi, Advocate for the respondents-landowners.

Mr. Abhinash Jain, DAG, Haryana.

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HARKESH MANUJA J. (Oral)

1. This common judgment of mine shall dispose of the batch of total 16 Regular First Appeals, details whereof are given at the foot of the judgment, as they all involve common question of law and facts.

1.1 For convenience, the facts are being taken from ***RFA-4727-2016 (O&M).***

1. By way of present appeal, challenge has been laid to an Award dated 31.10.2015 passed by the learned Additional District Judge, Rohtak (for short, "Reference Court"), whereby, reference petition preferred at the instance of respondents-landowner invoking Section 18 of the Land Acquisition Act, 1894 (for brevity, "the 1894 Act"), was partly accepted.

2. Brief facts of the case are that some land owned by the

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respondents-landowner, situated in the revenue estate of Village Kutana, District Rohtak, was acquired vide notifications dated 05.02.2008 and 25.04.2008, issued under Sections 4 & 6 respectively of the 1894 Act, for the public purpose, namely, construction of link road of Industrial Estate, Kutana with Rohtak-Bhiwani link road, Village Kutana, Tehsil and District Rohtak. The total land acquired was 101 kanal 13 marlas. The Land Acquisition Collector vide its Award dated 09.07.2008, assessed the market value of the acquired land and awarded Rs.10,000/- per sq. yards for all types of land.

3. Aggrieved of the same, the respondents-landowners invoked separate reference petitions under Section 18 of the 1894 Act, seeking enhancement of compensation. Upon consideration of the material available on record, the Reference Court vide its Award dated 31.10.2015, partly accepted the reference petitions, enhancing the market value of the acquired land to the tune of Rs.33,75,000/- per acre.

4. Feeling dissatisfied with the aforesaid Award passed by the learned Reference Court, the landowners (seeking enhancement of the compensation) as well as HSIIDC (finding the enhancement excessive, thus, praying for setting aside of the decision of the learned Reference Court), preferred their appeals and cross-appeals, details whereof are given at the bottom of the judgment.

5. Impugning the aforementioned award dated 31.10.2015, learned counsel for the appellant-HSIIDC submits that the learned Reference Court went wrong having failed to rely upon the sale exemplars Ex.R-1 and Ex.R-2, which were produced on record by the appellant and were of the similar

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nature of land forming part of Rectangle Nos.56 and 57 falling within the revenue estate of Village Kutana. He submits that even the acquired land formed part of Rectangle No.57 and, thus the sale deeds Ex.R-1 and Ex.R-2 were required to be relied upon.

5.1. Learned counsel also points out that as per Ex.R-1 and Ex.R-2, the sale price per acre was around Rs.10-11 lakhs, whereas, the Land Acquisition Collector vide its award dated 09.07.2008 had granted the market value @ Rs.10,000/- per sq. yd., as such, no further increase was required to be granted by the learned Reference Court. Consequently, the appeals preferred at the instance of appellant-HSIIDC need to be allowed, thereby, restoring the award passed by Land Acquisition Collector.

6. On the other hand, learned counsel for the respondents/landowners submits that the learned Reference Court went wrong in discarding the material evidence available on record in the form of sale deeds Ex.P-2 to P-12, which were all related to the same revenue estate of village Kutana and were prior to the date of notification issued under Section 4 of the 1894 Act in the case(s) in hand. He further relies upon the latest decision made by the Hon'ble Apex Court in the case of ***Horrmal Vs. State of Haryana***, reported as ***'2024(4) R.C.R. (Civil) 758'***, as per which sale deeds pertaining to smaller parcels of land that are of similar nature as that of land under acquisition need to be relied upon after applying suitable deduction towards smallness of the area under the sale deeds.

6.1. Learned counsel also points out that the sale deeds Ex.P-5 to Ex.P-12 were pertaining to the land situated in close vicinity of the acquired area and, thus the sale deed fetching the highest of the sale price was

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required to be relied upon for determination of market value. Learned counsel further submits that since the acquisition in the case(s) in hand was carried out for laying down of link road of Industrial Estate, Kutana with Rohtak-Bhiwani link road, Village Kutana, Tehsil and District Rohtak, the learned Reference Court went wrong having applied 58% cut towards development cost. Learned counsel emphasizes that, considering the purpose of the acquisition, the appellant-HSIIDC did not provide any additional basic amenities to the beneficiaries, except for providing some green belt along the edges of the link road and thus, prayed that in such circumstances, the minimal cut was required to be applied.

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 respondents-landowners.

8. As a part of evidence, the respondents-landowners proved on record, the following sale instances:-

Sr. No.	(Exhibits)-Sale deed/agreement to sell dated	Land Area falling in the revenue estate of Village Mauja Kutana	Total sale consideration	Price per acre
1.	Ex.P-2 dated 03.10.2007	114 sq. yds.	Rs.11,40,000/-	
2	Ex.P-3 dated 23.05.2007	120 Sq. yds	Rs.11,40,000/-	
3	Ex.P-4 dated 12.11.2007	2 kanal	Rs.10,00,000/-	Rs.40,00,000/-
4	Ex.P-5 dated 15.11.2007	582 Sq. Yds.	Rs.14,55,000/-	Rs.1,21,00,000/-
5.	Ex.P-6 dated 16.11.2007	620 Sq. yds	Rs.15,50,000/-	Rs.1,21,00,000/-
6.	Ex.P-7 dated 19.12.2007	620 Sq. yds.	Rs.15,50,000/-	Rs.1,21,00,000/-
7	Ex.P-8 dated 19.11.2007	206.66 Sq. yds.	Rs.5,17,000/-	Rs.1,21,08,197/-
8	Ex.P-9 dated 19.12.2007	582 sq. yds	Rs.14,55,000/-	Rs.1,21,00,000/-
9	Ex.P-10 dated 18.12.2007	200 sq. yds	Rs.5,00,000/-	Rs.1,21,00,000/-
10.	Ex.P-11 dated 19.11.2007	206.66 sq. yds	Rs.5,17,000/-	Rs.1,21,08,197/-
11.	Ex.P-12 dated 19.11.2007	206.66 Sq. Yds	Rs.5,17,000/-	Rs.1,21,08,197/-
12.	Ex.P14 dated 20.03.1991	1 kanal 2 marla	Rs.40,000/-	---

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The notification under Section 4 of the 1894 Act in the present case was issued on 05.02.2008. A perusal of the aforementioned information about sale deeds in the tabulated form shows that all the sale deeds pertained to the same revenue estate of Village Kutana, District Rohtak, though the land forming part of these sale instances relate to small parcels between 200 sq. yds to 600 sq. yds, however, it implies that the land was sold in the form of number of small plots thus, having residential or commercial potential attached to it. Further, perusal of *akshajra/plan* Ex.P-1 produced on record on behalf of the respondents-landowners shows that the distance between the parcels of land forming part of the aforementioned sale deeds and the acquired land is around 3 to 6 acres, which shows that both the parcels of land were of same nature and potential. Thus, such sale deeds were to be relied upon being of similar nature of land. Out of the aforementioned sale deeds, from Ex.P-4 to P-11, the highest of the market price fetched thereunder comes to Rs.1,21,00,000/- per acre and the same needs to be taken into account by placing reliance upon ***Horrmal's*** case (supra) and the 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***

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> ***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."*
>
> *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."*

Furthermore, taking into account the fact that the sale instances Ex.P-4 to P-11 all pertained to small parcels ranging around 200 Sq. yds to 620 sq. yds, whereas, the total land under present acquisition was 101 kanal & 13 marlas, as such, suitable deduction of 55% needs to be applied towards the smallness of area involved in the aforementioned sale instances, besides, adding the component towards the development expenditure incurred by the appellant-department for providing green belt etc. on the two sides of the road, for which, the land has been acquired.

On the other hand, the appellant-HSIIDC has produced on record the following three sale instances:-

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Sr. No.	(Exhibits)-Sale deed/agreement to sell dated	Land Area falling in the revenue estate of Village Mauja Kutana	Total sale consideration	Price per acre
1.	Ex.R-1 dated 27.04.2007	2 kanal 1 marla	--	Rs.10,00,976/-
2.	Ex.R-2 dated 28.03.2008	8 kanal	--	Rs.25,00,000/-
3.	Ex.R-3 dated 03.01.2007	2 kanal 10 marla	--	Rs.11,20,000/-

From the above, it is apparent that the sale instance Ex.R-2 pertains to post notification, thus, need not to be relied upon. With respect to sale instances Ex.R-1 and R-3, the sale price comes to around Rs.10-11 lakh per acre, which is almost half the price awarded by the Land Acquisition Collector based on the determination made by Regional Price Fixation Committee and in such circumstances, those sale instances Ex.R-1 and Ex.R-3 cannot be said to be reflecting the representative price of land surrounding the parcel of land under acquisition and thus, are not to be treated to be *bonafide* transaction for the purpose of determination of market value.

11. Therefore, after applying the deduction of 55% on the base price derived from Ex.P4 to Ex.P-11 which is Rs.1,21,00,000/-, the market value of the land under acquisition comes to Rs.54,45,000/- per acre. In addition, the landowners shall also be entitled for all other statutory benefits and interest as provided under the 1894 Act (amended upto-date), especially, interest on solatium.

12. In view of the aforesaid discussion, the appeals filed at the instance of HSIDC (now HSIIDC) are hereby dismissed, whereas, the cross-appeals filed at the instance of landowners are partly allowed.

13. Further, in case of unfortunate demise of any of the landowners,

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if the legal heir(s)-legal representative(s) have not been brought on record, they shall be entitled for filing exemption applications in their own names being legal heirs or legal representatives of the deceased-landowners; subject of course to any testamentary document created by the deceased.

14. Pending applications, if any, also stand disposed of.

01.12.2025 **(HARKESH MANUJA)**
sonika **JUDGE**

(i)Whether speaking/reasoned: Yes/No (ii)Whether reportable: Yes/ No

Sr. No.	Case No.
1.	RFA-4727-2016 (O&M)
2.	RFA-2056-2016 (O&M)
3.	RFA-2057-2016 (O&M)
4.	RFA-2058-2016 (O&M)
5.	RFA-2059-2016 (O&M)
6.	RFA-2060-2016 (O&M)
7.	RFA-2061-2016 (O&M)
8.	RFA-2062-2016 (O&M)
9.	RFA-2063-2016 (O&M)
10.	RFA-4748-2016 (O&M)
11.	RFA-4749-2016 (O&M)
12.	RFA-4750-2016 (O&M)
13	RFA-4751-2016 (O&M)
14.	RFA-4752-2016 (O&M)
15	RFA-4753-2016 (O&M)
16.	RFA-4754-2016 (O&M)

01.12.2025 **(HARKESH MANUJA)**
sonika **JUDGE**

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