IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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1. RFA No.2803 of 2017 (O&M) with
Cross-Objection No.88 of 2025 (O&M)
Date of Decision: 08.12.2025

MOHINDER KAUR AND ORS. ......Appellants

Vs

STATE OF HARYANA THROUGH COLLECTOR, SIRSA & ORS.

...Respondent(s)

2. RFA No.1804 of 2017 (O&M) with
Cross-Objection No.95 of 2025 (O&M)

KRISHAN KUMAR ......Appellant

Vs

STATE OF HARYANA THROUGH COLLECTOR, SIRSA & ORS.

...Respondent(s)

3. RFA No.1942 of 2017 (O&M) with
Cross-Objection No.92 of 2025 (O&M)

LAJPAT DHAMIJA AND ANR. ......Appellants

Vs

STATE OF HARYANA THROUGH COLLECTOR, SIRSA & ORS.

...Respondent(s)

4. RFA No.1943 of 2017 (O&M) with
Cross-Objection No.96 of 2025 (O&M)

VINOD KUMAR ......Appellant

Vs

STATE OF HARYANA THROUGH COLLECTOR, SIRSA & ORS.

...Respondent(s)

5. RFA No.1944 of 2017 (O&M) with
Cross-Objection No.91 of 2025 (O&M)

BHAGWANI BAI @ BHAGWAN DEVI TH. HER LRS. ......Appellants

Vs

STATE OF HARYANA THROUGH COLLECTOR, SIRSA & ORS.

...Respondent(s)

6. RFA No.1945 of 2017 (O&M) with
Cross-Objection No.93 of 2025 (O&M)

NAND LAL AND ANR. ......Appellants

Vs

STATE OF HARYANA THROUGH COLLECTOR, SIRSA & ORS.

...Respondent(s)

7. RFA No.1946 of 2017 (O&M) with
Cross-Objection No.89 of 2025 (O&M)

DIWAN CHAND ......Appellant

Vs

STATE OF HARYANA THROUGH COLLECTOR, SIRSA & ORS.

...Respondent(s)

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

Present: Mr. Shailendra Jain, Sr. Advocate with
Mr. Rahul, Advocate
Ms. Richa Jain, Advocate
Mr. Dheeraj Narula, Advocate
Mr. Tejas Bansal, Advocate for the appellants/landowners.

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

Mr. P.S. Saini, Advocate with
Mr. Deepak Singh Saini, Advocate
for the respondent/cross-objector-HSIIDC.

Mr. Tejas Bansal, Advocate for respondent Nos.6(ii), (iii) and (iv)
in RFA No.1946 of 2017.

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HARKESH MANUJA, J. (Oral)

[1]. Vide this common order, aforementioned Regular First Appeals and Cross-objections, 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.2803 of 2017.

[2]. By way of present appeal(s), challenge has been laid to the Award dated 09.12.2016 passed by the learned Addl. District Judge, Sirsa (hereinafter to be referred as the 'Reference Court').

[3]. Briefly stating, in the present case(s), actual land measuring 03 Kanals 08 Marlas and 02 Kanals 05 Marlas situated within the revenue estate of villages Khairpur and Kanganpur, District Sirsa respectively, came to be acquired vide Notifications dated 21.01.2009 and 19.01.2010 issued under Sections 4 & 6 of the Land Acquisition Act, 1894 (for short the '1894 Act') respectively for the public purpose namely "Integrated Infrastructure Development Center, Sirsa" for

providing industrial plots and sheds to small scale industries with modern infrastructural facilities, followed by Award Nos.2 and 3 passed by the Land Acquisition Collector (for short 'the LAC') dated 18.01.2012 under Section 11 of the 1894 Act, thereby determining the market value of the acquired land of both the villages namely Khairpur and Kanganpur @ Rs.50,00,000/- per acre respectively for all kinds of land along with all statutory benefits/interest as provided under the 1894 Act.

[4]. Aggrieved thereof, the appellants-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 09.12.2016, while granting enhanced compensation @ Rs.87,12,000/- per acre *qua* the acquired land besides awarding all other statutory benefits/interest in their favour under the 1894 Act.

Dis-satisfied with the Award passed by the learned Reference Court, the present appeals were preferred at the instance of landowners as well as the Cross-objections at the instance of respondent-HSIIDC.

[5]. Impugning the aforesaid Award, learned Senior counsel representing the appellants/landowners submits that the learned Reference Court went wrong having failed to rely upon the sale deeds dated 18.04.2007 (Ex.P-3) and 13.08.2007 (Ex.P-4) vide which two separate parcels measuring 15 Kanals 15 Marlas and 4 Kanals of land respectively were alienated at the base price of Rs.3,70,00,000/- per acre. Learned Senior counsel points out that both the aforementioned sale deeds pertain to the same revenue estate of village Khairpur.

[5.1]. Learned Senior counsel further submits that there being a time gap of around 21 months between the date of sale i.e. 18.04.2007 till the date of Notification issued under Section 4 of the 1894 Act, in the present case(s) i.e.

21.01.2009, an appropriate cumulative increase @ 15% per annum over the base price per acre derived from the aforementioned sale deed (Ex.P-3) was required to be granted in favour of the appellants-landowners.

[5.2]. Further, learned Senior counsel emphasizes that the acquired land was located on the National Highway No.10, leading from Hisar to Delhi and was surrounded by already developed area, as such the cut towards smallness of the area involved in the sale instances Ex.P-1 & Ex.P-2 and also the development cost @ 60% applied by the learned Reference Court was highly excessive.

[6]. On the other hand, learned counsel representing the respondent-HSIIDC submits that vide sale deeds dated 18.04.2007 (Ex.P-3) and 13.08.2007(Ex.P-4), 15 Kanals 15 Marlas and 4 Kanals of land respectively forming part of village Khairpur was purchased by one private developer M/s Amazon Pvt. Ltd. and thus, those sale instances were rightly declined for being considered not reflecting the representative market value of the land under acquisition.

[6.1]. Learned counsel also submits that by taking into account the small parcel of land measuring 12 Marlas involved in the sale deed dated 11.09.2008 (Ex.P-2), the learned Reference Court committed error in applying cut @ 60% only, rather in the given facts the same was required to be applied @ 90%.

[6.2]. Learned counsel further submits that no reason was ever recorded by the learned Reference Court for discarding the sale deeds dated 25.04.2008 (Ex.R-5) and 10.12.2008 (Ex.R-7), as per which the base price per acre of the land forming part of the revenue estate of village Khairpur was between 8 lakhs to 19.36 lakhs per acre. He thus, submits that no enhancement was required to be awarded in favour of the appellants-landowners and as such the impugned judgment was liable to be set aside and the Award passed by the LAC was required to be restored.

[7]. I have heard learned counsel for the parties and gone through the paper book as well as records of the case(s). I find substance in the submissions made on behalf of the appellants/landowners.

[8]. A perusal of the record shows that the appellants/landowners in order to establish their claim towards enhancement of market value produced and proved sale instances as Ex.P1 to Ex.P-5, the details thereof are extracted hereunder:-

Sr. No.	Exhibit	Dated	Area	Amount (Rs.)	Rate Per acre (Rs.)	Location
1	P-1	16.12.2008 (Pre-Noti.)	302.5 Sq. gaj (299.6 Sq.Yds.)	13,62,000/-	2,20,02,937/- (4546 Sq. Yds.)	Khairpur
2	P-2	11.09.2008 (Pre-Noti.)	12 Marla	16,34,000/-	2,17,86,666/-	Khairpur
3	P-3	18.04.2007 (Pre-Noti.)	15-K-15M	7,28,43,750/-	3,70,00,000/-	Khairpur
4	P-4	13.08.2007 (Pre-Noti.)	4K	1,85,00,000/-	3,70,00,000/-	Khairpur
5	P-5	20.11.2012 (Post-Noti.)	11 M	50,00,000/-	7,27,27,272/-	Khairpur

[8.1]. Whereas, the details of the sale instances produced and proved on record by the respondents in support of their stand are extracted hereunder:-

Sr. No.	Exhibit	Dated	Area	Total sale consideration	Per acre (Rs.)	Per sq. yards (Rs.)	Location
1	R-5	25.04.2008 (Pre-Noti.)	13M-4S 406.66 Sq. yards	1,63,000/-	19,36,000/-	400	Khairpur
2	R-7	10.12.2008 (pre-Noti.)	7K-11M 4567.75 Sq. yards	7,55,000/-	8,00,000/-	165.28	Khairpur
3	R-8	20.02.2009 (Post-Noti.)	2K-15M 1663.75 Sq. yards	2,75,000/-	8,00,000/-	165.28	Khairpur

[9]. From the tables, it is apparent that as per the sale deeds produced on record by the respondents in the form of Ex.R-5, Ex.R-7 and Ex.R-8, the base price per acre for the land forming part of the revenue estate of village Khairpur was between Rs.8 lakhs to Rs.19.36 lakhs, whereas as per the proceedings/decision dated 13.10.2010 (Ex.R-2) of the District Price Fixation Committee headed by the Commissioner Hisar Division, Hisar, the value of the acquired land per acre was recommended @ Rs.50 lakhs. In such circumstances, the said sale instances produced by the respondents fetching the lesser rates than the price recommended by the District Price Fixation Committee were not to be treated as *bona fide* or genuine transactions for the purpose of placing reliance towards determination of market value of the acquired land.

[10]. On the other hand, from the aforementioned table of the sale deeds produced and proved by the appellants-landowners, it can be seen that except sale instance dated 20.11.2012 (Ex.P-5), remaining four sale instances i.e. Ex.P-1 to Ex.P-4 pertain to the period prior to the date of notification issued under Section 4 of the 1894 Act in the case(s) in hand. In the evidence, the appellants-landowners have produced on record the site plan Ex.P-6, depicting actual location of the two parcels of the acquired land situated within the revenue estate of villages Khairpur and Kanganpur besides even showing the comparative locations of the sale instances Ex.P-1 to Ex.P-4. Further, in rebuttal no other site plan was produced and proved on record by the respondents. The site plan Ex.P-6 also shows that the two parcels of acquired land forming part of revenue estate of villages Khairpur and Kanganpur are situated within the municipal limits of Sirsa. Both the parcels are even abutting National Highway No.10 leading from Hisar to Delhi. The said site plan further shows that the land parcels of the sale instances Ex.P-1 to Ex.P-4 are

all located within the close vicinity of less than 10 acres of the acquired land. The sale instances dated 16.12.2008 (Ex.P-1) and 11.09.2008 (Ex.P-2) of land measuring 302.5 sq. yards and 12 marlas respectively are located at a distance of around 08 acres from the acquired land being existing on the mini bye pass, whereas the land parcels forming part of sale instances dated 18.04.2007 (Ex.P-3) and 13.08.2007 (Ex.P-4) for land measuring 15K-15M and 4K respectively are identically located on National Highway No.10 leading from Hisar to Delhi and infact just 5-6 acres away from the acquired land. In such circumstances while taking into account the proximity in terms of geographical location between the land forming part of the sale instances Ex.P-3 and Ex.P-4 and the acquired land, the said sale instances dated 18.04.2007 (Ex.P-3) and 13.08.2007 (Ex.P-4) need to be relied upon being the best exemplars, vide which the base sale price per acre comes to Rs.3,70,00,000/-. Especially, in the wake of law laid down 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 the highest valued sale exemplar needs to be relied upon while assessing the market value in compulsory land acquisition cases and thus the the sale deed dated 18.04.2007 (Ex.P-3) was required to be relied upon for determination of market value in the case in hand. Relevant paragraph Nos.27 and 28 from ***Horrmal's*** case (supra) 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:*

> *"....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."*

Also, considering the fact that there has been a time gap of around 21 months between the date of sale exemplar (Ex.P-3) and the date of issuance of notification under Section 4 of the 1894 Act in the case(s) in hand i.e. from 18.04.2007 to 21.01.2009, as such, a cumulative appreciation @ Rs.12% per annum needs to be awarded over the base price per acre derived from the same; which thus comes to Rs.4,51,69,600/- per acre.

[11]. In the facts of the present case(s), it may be noted here that no cut needs to be applied towards smallness of the land parcels involved in the exemplar sale deeds. It can be seen that the acquired land infact represents the left out small pockets of the land already developed as an industrial estate by respondent No.3 itself through previous acquisitions. As such it is more than evident that the land under acquisition being abutting the already developed industrial estate by the

respondents themselves carried all basic infrastructural civic amenities. However, taking into account the fact that the land parcels forming part of sale instances dated 18.04.2007 (Ex.P-3) and 13.08.2007 (Ex.P-4) are located near to Sirsa City by 5-6 acres in comparison of the acquired land and the respondents incurred some costs for integration of two parcels of acquired land into the already developed industrial estate, therefore, an appropriate cut @ 30% towards development costs needs to be applied.

[12]. In the wake of the aforesaid discussion and for the reasons recorded hereinabove while placing reliance upon the sale exemplar dated 18.04.2007 (Ex.P-3) and by granting cumulative appreciation @ 12% per annum for the time gap between the date of aforementioned sale exemplar and the date of publication of Notification under Section 4 of the 1894 Act (i.e. around 21 months) and thereafter applying cut @ 30% thereupon towards development cost, the market value per acre in the present case(s) is arrived at Rs.3,16,18,720/- per acre (Rs.4,51,69,600 x 30/100).

[13]. Accordingly, the market value for the land under acquisition is assessed @ Rs.3,16,18,720/- 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 date). The landowners shall also be entitled for solatium @ 30% besides award of interest thereupon.

[14]. Consequently, in view of the discussion made herein above, the appeals preferred at the instance of appellants-landowners are hereby partly allowed in the aforesaid terms and the cross-appeals filed by the respondent-HSIIDC are, thus dismissed.

[15]. 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.

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

(HARKESH MANUJA)
JUDGE

December 08, 2025
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Whether speaking/reasoned Yes/No
Whether reportable Yes/No