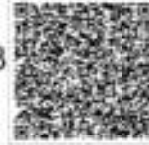


2025.PHHC:160733



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

RFA-580-2018 (O&M)
and connected cases
Decided on:-18.11.2025

Subhash Chand and others

....Appellants.

vs.

State of Haryana and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sandeep Sharma, Advocate Ms. Geetanjali, Advocate and
Ms. Maninee, Advocate for the landowners.

Mr. Abhinash Jain, DAG, Haryana.

Mr. Rajiv Sharma, Advocate,
for respondent No.1(i-viii)/Cross-objectors
(in RFA-1474-2019 with XOBJR-136-2021).

Mr. Om Parkash Sharma, Advocate,
for respondents No.2 and 3/XOBJR
(in RFA-1474-2019 with XOBJR-137-2021).

HARKESH MANUJA J. (Oral)

1. This common judgment of mine shall dispose of the batch of 13 connected Regular First Appeals along with 02 cross-objections, 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-580-2018 (O&M)***.

2. By way of present appeals, challenge has been laid to an Award dated 22.09.2017 passed by the learned Additional District Judge, Gurugram

(for short, "Reference Court"), whereby, reference petition(s) preferred at the instance of landowners invoking Section 18 of the Land Acquisition Act, 1894 (for brevity, "**1894 Act**"), were partly accepted.

3. Brief facts of the case are that certain land owned by the appellants-landowners, situated in the revenue estate of village Pataudi, Tehsil and District Gurugram, came to be acquired vide notifications dated 23.12.2011 and 14.08.2012, issued under Sections 4 and 6, respectively, of the Land Acquisition Act, 1894 (for short, "the 1894 Act"), for the public purpose namely, for setting-up of Sewerage Treatment Plant at Pataudi. The Land Acquisition Collector vide its Award dated 16.09.2013, assessed the market value of the acquired land at the rate of Rs.65 lacs per acre for all types of land.

4. Aggrieved of the award passed by the Land Acquisition Collector, appellant(s)-landowners invoked reference petition(s) 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 22.09.2017, enhanced the market value @ Rs.80,80,000/- per acre.

5. Feeling dissatisfied with the aforesaid Award passed by the Id. Reference Court, the landowners as well as State preferred their appeals and cross-objections, details whereof are given at the bottom of the judgment.

6. Impugning the aforementioned award, the short point argued by learned counsel for the appellant(s)-landowner(s) is that the learned Reference Court exceeded in applying deduction of 20% on the base price per acre derived from the sale deed Ex.P-2. He submits that the acquisition in the present case was for the public purpose namely, for setting-up of

Sewerage Treatment Plant at Pataudi; the respondent-State was not going to suffer any loss of land or any expenses towards providing any additional infrastructural amenities and thus, no cut towards development cost was required to be imposed, especially, when the sale deed Ex.P-2 related to 45 kanals and 7 marlas of land pertaining to the same revenue estate of village Pataudi. He thus, submits that the appellants-landowners were required to be awarded market value in consonance with the price per acre stated in sale deed Ex.P-2 i.e. @ Rs.1,01,00,000/- per acre.

7. On the other hand, learned counsel appearing on behalf of the respondent-State submits that though no evidence in relation to any sale instance was led by the respondents, however, in the given facts and circumstances, a development cut of at least 50% was required to be imposed upon the base price derived from the sale deed Ex.P-2 and accordingly, the market value awarded by the learned Reference Court was required to be reduced. He thus, submits that the appeals preferred at the instance of State were required to be allowed, whereby, the appeals-cross-objections, preferred at the instance of appellants(s)-landowner(s) were liable to be dismissed.

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

9. In the given facts and circumstances, the learned Reference Court rightly placed reliance upon the sale instance Ex.P-2 dated 03.11.2011, which pertained to 45 kanals 07 marlas of land situated within the same revenue estate of village Pataudi, especially, when the land under acquisition also forms part of the same village and the total acquired area was merely about 41 kanals. Further, it has been rightly observed by the learned

Reference Court that no cut towards the smallness of area of the sale instance Ex.P-2 was required to be imposed in the given circumstances, as the area sold vide Ex.P-2 is around 45 kanals 7 marlas, whereas, the land under acquisition is about 41 kanals.

A perusal of the record further shows that the sale instance Ex.P-2 dated 03.11.2011 pertains to around 45 kanals 7 marlas of land with the base price of Rs.1,01,00,000/- per acre, whereas, the other sale instances i.e. Ex.P-1 and Ex.P-3 to Ex.P-8 relate to extremely small parcels of land with disproportionate price ranging from Rs.3.3 crores to Rs.9 crores and thus, were rightly discarded by the learned Reference Court.

10. With respect to the development cost to be incurred by respondent-State, it is pertinent to mention here that since the land has been acquired for the public purpose i.e. for construction of Sewerage Treatment Plant at Pataudi, the respondent-State did not suffer any loss of land or incurred expenses towards providing of any additional infrastructural amenities like roads, parks, green belt, community building etc., no cut towards development cost needs to be applied. However, considering the fact that the comparative geographical location of the land forming part of sale deed Ex.P-2 vis-a-vis the land under acquisition is not forthcoming from the evidence available on record, as such, as a matter of abundant caution, 10% cut needs to be applied over the base price (i.e. Rs.1,01,00,000/-) derived from the sale instance Ex.P-1 and thus, the market value per acre as on the date of notification under Section 4 of the 1894 in the present case, comes to Rs.90,90,000/- along with all other statutory benefits and interest, especially, interest on solatium.

11. In view of the aforesaid discussion, the appeals as well as cross-

RFA-580-2018 (O&M)
along with other connected cases
objections filed at the instance of landowners are partly allowed, whereas,
the appeals filed at the instance of State are hereby dismissed.

12 Further, in case of unfortunate demise of any of the appellants-landowners, 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.

13. Pending application, if any, also stands disposed of.

18.11.2025
sonika

(HARKESH MANUJA)
JUDGE

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

Sr. No.	Case No.
1.	RFA-580-2018 (O&M)
2	RFA-576-2018 (O&M)
3	RFA-577-2018 (O&M)
4	RFA-578-2018 (O&M)
5.	RFA-579-2018 (O&M)
6.	RFA-2751-2018 (O&M)
7.	RFA-1418-2019 (O&M)
8.	RFA-1419-2019 (O&M)
9.	RFA-1420-2019 (O&M)
10.	RFA-1421-2019 (O&M)
11.	RFA-1422-2019 (O&M)
12	RFA-1423-2019 (O&M)
13	RFA-1474-2019 (O&M) with XOBJR-136-2021 (O&M)and XOBJR-137-2021 (O&M)
14	
15	