

2025:PHHC:150507



181 (10 cases)

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

**RFA No. 5228 of 2018 (O&M)
and “09” connected cases
Date of Decision: 31.10.2025**

Sube Singh and others

...Appellants

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sandeep Parkash Chahar, Advocate
for the appellant(s) / landowner(s)
(in RFA Nos. 5228, 8459 to 8464 of 2018; and 45 of 2019)

Mr. Ram Darshan Yadav, Advocate
for the appellant(s)-landowner(s)
(in RFA Nos. 2162 & 2408 of 2019)

Mr. Abhishek Yadav, Deputy Advocate General, Haryana
for the respondent(s)-State of Haryana.

Mr. Arun Gosain, Senior Govt. Counsel, Union of India
for the respondent(s)-Union of India.

HARKESH MANUJA, J. (ORAL)

This order shall dispose off a bunch of the present eight (08) appeals bearing RFA Nos. 5228, 8459, 8460, 8461, 8462, 8463 & 8464 of 2018; and RFA Nos. 45, 2162 & 2408 of 2019, as the same arise out of common acquisition / award. In all the appeals, the appellants-landowners are seeking further enhancement of compensation for the acquired land.

[2] In these appeals, challenge has been made to Award dated 12.12.2011 passed by the learned Additional District Judge, Jhajjar (**hereinafter to be referred as “Reference Court”**),

whereby the reference petition(s) filed by the appellant(s)-landowner(s) were dismissed while determining the market value of the acquired land at the rate of Rs.12,50,000/- per acre for all kind of land as assessed by the Land Acquisition Collector, Jhajjar (**for short “LAC”**).

FACTS

[3] Briefly, the facts are that in pursuance of Haryana Govt. Notification under Section 4 of the Land Acquisition Act, 1894 (**for short “1894 Act”**) issued on 30.11.2006, followed by Notification dated 03.01.2007 under Section 6 thereof, certain land owned by the appellants situated within the revenue estate of **Village Birdhana, Tehsil & District Jhajjar**, was acquired. The public purpose for acquisition was stated to be “for construction of Rohtak-Jhajjar-Rewari Railway Line”. The LAC, vide Award No. 34, dated 22.02.2007, assessed the market value of acquired land @ Rs.12,50,000/- per acre for all kinds of land.

[4] Dissatisfied with the aforesaid Award, landowners / interested persons filed objections under Section 18 of the 1894 Act, which were decided/disposed off vide award dated 12.12.2011 by the learned Reference Court, whereby market value of the acquired land was upheld to be Rs. 12,50,000/- per acre, as assessed by the LAC.

CONTENTIONS:

ON BEHALF OF APPELLANT(S)-LANDOWNER(S)

[5] Impugning the aforementioned award dated 12.12.2011, learned counsel for the appellant(s) submits that the

learned Reference Court went wrong while rejecting the claim made by the landowners. Learned counsel points out that the market value at the time of passing of award under Section 11 of the 1894 Act was assessed at the rate of Rs. 12,50,000/- based on the policy/notification dated 28.04.2005 issued by the Revenue & Disaster Management Department, Haryana (which was applicable from 05.03.2005), whereby the minimum floor rates of different areas within the State of Haryana were fixed, as per which the market value of the land under acquisition in Village Birdhana, District Jhajjar, was awarded at the rate of Rs. 12,50,000/- per acre. He further points out that the policy dated 28.04.2005 was later revised on 06.04.2007 (applicable w.e.f. 22.03.2007) and the minimum floor rates relating to District Jhajjar were enhanced to Rs.16,00,000/- per acre. For reference, the aforesaid Policy/notification dated 06.04.2007 is re-produced hereunder:-

"From

*Financial Commissioner & Principal Secretary to Govt. Haryana,
Revenue & Disaster Management Department.*

To

- 1. All the Divisional Commissioners in the State.*
- 2. All the Heads of Departments in the State.*
- 3. Chief Administrator, HUDA, Sector 6, Panchkula*
- 4. Managing Director, HSIIDC, C 13-14, Sector-6, Panchkula*
- 5. All the Deputy Commissioners in the State.*
- 6. All the Sub-Divisional Officers (Civil) in the State.*
- 7. All the Land Acquisition Collectors in the State.*

Memo No. 1298-R-5-2007/4174

Chandigarh, dated the 6th April, 2007

*Sub: Fixation of floor rates for the acquisition of land for
public purpose in the State of Haryana.*

*Ref: This Department Memo No. 2025-R-5-2005/4299,
dated 28.4.2005.*

*Vide this Department Memo. under reference,
minimum floor rates for acquiring land for public purposes*

for various Departments as well as other State Agencies were fixed by the Haryana Government as follows:

<i>i) Minimum floor rate for urbanisable area of Gurgaon</i>	<i>Rs. 15.00 lacs per acre</i>
<i>ii) Minimum floor rate for rest of the Haryana Sub-Region of NCR including Panchkula and area of Chandigarh periphery in the Haryana State.</i>	<i>Rs.12.50 lacs per acre.</i>
<i>iii) Minimum floor rate for the rest of the Haryana State.</i>	<i>Rs. 05.00 lacs per acre</i>

(These floor rates did not include the solatium and interest payable under the provisions of the Land Acquisition Act, 1894).

2. Now it has been observed that with the passage of time market rates of the land have increased substantially. Therefore, Haryana Government has reconsidered this matter and has decided to refix these floor rates as follows:

<i>i) Minimum floor rate for urbanisable area of Gurgaon</i>	<i>Rs. 20.00 lacs per acre</i>
<i>ii) Minimum floor rate for rest of the Haryana Sub-Region of NCR including Panchkula and area of Chandigarh periphery in the Haryana State.</i>	<i>Rs.16.00 lacs per acre.</i>
<i>iii) Minimum floor rate for the rest of the Haryana State.</i>	<i>Rs. 08.00 lacs per acre</i>

3. These floor rates do not include the solatium and interest payable under the provisions of the Land Acquisition Act, 1894.

4. These revised rates will be applicable on all those acquisitions where awards have been announced on or after 22.3.2007 irrespective of the date of notification under Section 4 of the Land Acquisition Act, 1894.

5. The Committee headed by the Divisional Commissioner will continue to perform its duties while fixing the rates of compensation for various categories of land under acquisition based on these floor rates. It will continue to take into account all those parameters for working out the land acquisition rates being followed at present while communicating the rates to the Acquiring Departments/Agencies in the State.

6. This issues with the concurrence of Finance Department, Haryana conveyed vide their U.O. No.1/17/2007-4FGII (1109), dated 6.4.2007.

7. These instructions may kindly be brought to the notice of all concerned for compliance.

-sd-

Under Secretary Revenue (LR)
for Financial Commissioner & Principal Secretary to Govt.
Haryana, Revenue and Disaster Management Department.”

[5.1] Learned counsel for the appellant(s) thus submits that by applying proportionate escalation for the time gap between the date of policy dated 28.04.2005 (applicable w.e.f. 05.03.2005) which was subsequently revised vide instructions dated 06.04.2007 (applicable w.e.f. 22.03.2007) till the date of notification dated 30.11.2006 issued under Section 4 of the 1894 Act, the market value should be revised in favour of the appellant(s)-landowner(s).

[6] Learned counsel for the appellant(s) further points out that since the acquisition in the present case was for the public purpose for construction of Rohtak-Jhajjar-Rewari Railway Line, as such the appellant(s)-landowner(s) should have been awarded damages towards severance as well.

ON BEHALF OF RESPONDENT(S)

[7] On the other hand, learned counsel for the respondent-Union of India submits that the impugned award calls for no interference as the revised notification issued on 06.04.2007 (applicable w.e.f. 22.03.2007) cannot be given retrospective effect for grant of benefit in favour of the appellant(s)-landowner(s) for the purpose of assessment of market value to their land which was

acquired vide notification dated 30.11.2006 i.e. prior to the issuance of notification of the revised policy.

[7.1] Learned counsel for the respondent-Union of India further points out that in the absence of any evidence available on record with respect to any loss caused to the appellant(s)-landowner(s), no damages towards severance were payable to them and thus, the appeals are liable to be dismissed.

DISCUSSION AND REASONING

[8] After hearing learned counsel for the parties and having gone through the paper-book / records, I find substance in the submission(s) made on behalf of the appellant(s)-landowner(s).

[9] Considering the fact that as an effect of acquisition of land in terms of provisions of the 1894 Act, the landowners are facing compulsive parting with their ownership over land; thus they are, by all means, entitled for just equitable and fair market value. Admittedly, in the present case, notification under Section 4 of the 1894 Act was issued on 30.11.2006, therefore, applying the rates as per previous policy dated 28.04.2005 (applicable w.e.f 05.03.2005), the market value was assessed at the rate of Rs. 12,50,000/- per acre. However, once a revised policy with respect to the minimum floor rates for the entire territory of Haryana was issued on 06.04.2007 (applicable w.e.f. 22.03.2007), whereby the minimum floor rates was fixed at the rate of Rs. 16,00,000/- per acre for the area in hand forming part of the District Jhajjar, the appellant(s)-landowner(s) were undoubtedly entitled to draw benefit of the same.

[10] Moreover, the policy dated 06.04.2007 (applicable w.e.f. 22.03.2007) only lays down the minimum floor rates and not the market value, for which the landowners are entitled for. However, in the absence of any sale instance(s) produced on record from the side of appellant(s)-landowner(s), in the humble opinion of this Court, the landowners can always be granted the benefit of the minimum floor rates fixed by the State of Haryana itself by applying the doctrine of escalation for the time gap between the date of policy dated 28.04.2005 (applicable w.e.f. 05.03.2005) till the date of notification dated 30.11.2006 issued under Section 4 of the 1894 Act by taking into account the increase in floor rates from policy dated 28.04.2005 to subsequently revised memo / notification dated 06.04.2007 (applicable w.e.f. 22.03.2007) in the present case.

As per policy dated 06.04.2007, the minimum floor rates of rest of the Haryana Sub-Region NCR which included District Jhajjar as well, were revised from Rs. 12,50,000 to Rs. 16,00,000/- per acre. Accordingly, after calculating the difference of Rs. 3,50,000/- (**Rs.16,00,000–12,50,000 = Rs. 3,50,000/-**) between the revised policy and the previous policy, the amount of proportionate per day increase comes to Rs.468/- **[05.03.2005 to 22.03.2007 = 748 days; Rs. 3,50,000/- ÷ 748 = Rs.467.91 OR Rs. 468/- round off]**. Thus, applying the doctrine of escalation, the additional amount for the time gap between the date of previous policy dated 05.03.2005 till the date of notification dated 30.11.2006 issued under Section 4 of the 1894 Act, i.e. for 636

days (**05.03.2005 to 30.11.2006 = 636 days**), comes to Rs.2,97,648/- (Rs. 468 x 636 days). Accordingly, the market value in favour of the appellant(s)-landowner(s) as on the date of notification under Section 4 of the 1894 Act with respect to the present acquisition is determined at the rate of Rs.15,47,648/- (**Rs. 12,50,000/- + Rs. 2,97,648/-**).

[11] Under similar circumstances, Co-ordinate Bench, vide order dated 20.12.2022, passed in a bunch of appeals, leading case bearing **RFA No. 7896 of 2014**, titled **“Rajbir and Ors. Versus State of Haryana and Ors.”**, applied the same principle by relying upon the revised policy dated 06.04.2007 (Ex. P-1) (applicable w.e.f. 22.03.2007). Consequently, in addition, the appellant(s)-landowner(s) are also held entitled for the statutory benefit and interest under the 1894 Act.

[12] With respect to the another plea raised on behalf of the appellant(s) regarding award of damages towards severance, it may also be pointed out here that the acquisition has been for the purpose of laying down of Railway Line, which undoubtedly is going to bifurcate/divide the land by creating severance of their land-holdings. Therefore, in the considered opinion of this Court, the appellant(s)-landowner(s) are entitled for award of severance damages @ 20% with effect from the date of notification dated 30.11.2006 issued under Section 4 of the 1894 Act till the passing of the award dated 22.02.2007 by the LAC and the same are thus granted accordingly as the severance is definitely going to cause loss to the potential value of their remaining land-holdings by

causing inconvenience as regards irrigation facilities as well as passage etc.

DECISION

[13] In the light of above, Award(s) dated 12.12.2011 passed by the learned Reference Court is hereby modified. The appellant(s)-landowner(s) are held entitled to the market value at the rate of Rs.15,47,648/- with regard to Village Birdhana, Tehsil & District Jhajjar alongwith consequential / statutory benefits and interest as provided in the 1894 Act (as amended up-to-date). The appellant(s)-landowner(s) shall also be entitled for the benefit of interest on solatium as well.

[14] Also, wherever the landowner(s) has/have unfortunately died in the appeal(s) / cross-objection(s) after filing thereof and the legal representatives 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 the appeals are **disposed off** accordingly.

[16] Pending miscellaneous application(s), if any, shall stand(s) disposed off.

October 31, 2025

‘dk kamra’

**(HARKESH MANUJA)
JUDGE**

Whether Speaking / Reasoned :	Yes	No
Whether Reportable :	Yes	No