

RFA No.2198 of 1994 (O&M)

2026.PHHC.036756



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

203-U

RFA No.2198 of 1994 (O&M)

Date of Decision: 10.03.2026

GURCHARAN KAUR (SINCE DECEASED) TH. HER LRS.....Appellants**Vs****STATE OF HARYANA****...Respondent(s)****CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Surender Dhull, Advocate
for the appellant(s).

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

HARKESH MANUJA, J. (Oral)**CM No.162-CI of 2026**

Prayer made in this application filed under Order 41 Rule 27 read with Section 151 CPC is for additional evidence by way of placing on record the accompanying sale deeds (Annexures A-1 to A-4).

In pursuance of notice of the application issued on 22.01.2026, reply on behalf of the respondent/State has already been filed.

Upon hearing learned counsel for the parties and for the reasons mentioned in the application, the documents sought to be placed on record by way of additional evidence, cannot be permitted to be taken on record at this belated stage. The application stand dismissed.

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[1]. By way of present appeal, challenge has been laid to the Award dated 25.07.1994 passed by the learned Addl. District Judge, Hisar (hereinafter to be referred as the 'Reference Court').

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[2]. Briefly stating, in the present case(s), land measuring 25 *Kanals* 06 *Marlas*, situated within the revenue estate of village Bhuna, Tehsil Tohana, District Hisar (now under Fatehabad), came to be acquired vide Notifications dated 23.03.1984 and 09.08.1984 issued under Sections 4 & 6 of the Land Acquisition Act, 1894 (for short the '1894 Act') respectively for the public purpose, namely, *for construction of a warehouse in the area of village Bhuna*'. Award under Section 11 of the 1894 Act was passed by the Land Acquisition Collector (for short 'the LAC') on 26.09.1984, whereby the market value of the acquired land was assessed @ Rs.40,000/- per acre along with all other statutory benefits and interests provided under the 1894 Act.

[4]. Dissatisfied with the Award passed by the LAC, the appellant(s)/landowner(s) filed objections under Section 18 of the 1894 Act, which came to be dismissed by the learned Reference Court vide its award dated 25.07.1994. Aggrieved thereof, the present appeal was preferred at the instance of appellant(s)/landowner(s).

[5]. I have heard learned counsel for the parties and gone through the paper book as well as records of the case(s).

[6]. In the present appeal, on 02.09.2015, this Court passed the following order:-

Learned counsel for the State seeks time to ascertain as to whether the land subject matter of appeal before this Court in RFA No.1801 of 2006 titled as Smt. Parkash Wanti and Others Vs. State of Haryana, decided on 25.08.2014 and in the present case are adjoining to each other or not.

Adjourned to 14.09.2015.

September 02, 2015
manoj

(RAJESH BINDAL)
JUDGE"

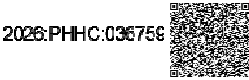


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[7]. In response, learned State counsel today refers to the decision dated 25.08.2014 passed by this Court in RFA No.1801 of 2006 titled '*Smt. Parkash Wanti and others Vs. State of Haryana*', as per which, the market value of the acquired land in pursuance to the notification dated 09/13.09.1982 under Section 4 of the 1894 Act, forming part of revenue estate of village Bhuna, Tehsil Fatehabad, District Hisar (now under District Fatehabad) was assessed @ Rs.1,44,000/- per acre.

[8]. Further, a perusal of the record shows that the acquisition in the aforementioned RFA No.1801 of 2006, carried out in terms of notification dated 09/13.09.1982 was for the public purpose, namely for construction of godowns for HAFED at Bhuna, whereas in the present case, the acquisition commenced vide notification dated 23.03.1984 forming part of the revenue estate of village Bhuna, Bhuna, Tehsil Tohana, District Hisar (now under Fatehabad) pertained the public purpose namely for construction of a warehouse in the area of village Bhuna. Admittedly, both the parcels of land i.e. one acquired in terms of previous notification dated 09/13.09.1982 and the later acquired vide notification dated 23.03.1984, are located exactly opposite; been divided by a road leading from Gohana to Tohana.

[9]. In this view of matter and also in terms of the observation made by this Court vide order dated 02.09.2015, the decision dated 25.08.2014 passed in RFA No.1801 of 2006 and the factum of acquired land in the case in hand being geographically located on the road leading from Gohana to Tohana, the decision dated 25.08.2014 passed by this Court in RFA No.1801 of 2006, need to be relied upon for the purposes of determination of market value in favour of the appellant(s)/landowner(s) in the present case by applying an appreciation @ 10%



per annum for the time gap between the two notification i.e. from 09/13.09.1982 to 23.03.1984. Upon calculation, the determination comes to Rs.1,66,147.2 paisa per acre [rounded off to Rs.1,66,147/- per acre].

[10]. Accordingly, the market value for the land under acquisition is assessed @ Rs.1,66,147/- per acre as on the date of notification under Section 4 of the 1894 Act. In addition, the landowner(s) 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.

[11]. Consequently, in view of the discussion made herein above, the appeal preferred at the instance of appellants-landowners is hereby partly allowed in the aforesaid terms.

[12]. 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.

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

March 10, 2026	(HARKESH MANUJA)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No