2026:PHHC:007924

104 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Decided on:-20.01.2026

1. RFA-68-1995 (O&M)

Chattar Singh ....Appellant.

vs.

State of Haryana and others ....Respondents.

2. RFA-225-1995 (O&M)

Vir Singh ....Appellant.

vs.

State of Haryana and others ....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rajinder Goel, Advocate with
Ms. Anavi Parnami, Advocate,
Mr. Deepak Mathur, Advocate and
Mr. Purusharath Dhull, Advocate,
for the appellant(s)-landowner(s).

Mr. Abhinash Jain, DAG, Haryana.

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HARKESH MANUJA J. (Oral)

1. This common judgment shall dispose of the aforementioned two connected Regular First Appeals, as they all involve common question of law and facts.

1.1 For convenience, the facts are being taken from ***RFA-68-1995 (O&M).***

2. By way of present appeal, challenge has been laid to an Award

dated 03.02.1994 passed by the learned District Judge, Faridabad (for short, "Reference Court"), whereby, reference petition(s) preferred at the instance of appellant(s)-landowner(s) invoking Section 18 of the Land Acquisition Act, 1894 (for brevity, ***"1894 Act"***), were dismissed.

3. Brief facts of the case are that some land owned by the appellant(s)-landowner(s), situated in the revenue estate of Village Ghori, Tehsil Palwal, District Faridabad, came to be acquired vide notification dated 17.12.1981 (published on 02.02.1982) and notification dated 21.12.1984 (published on 15.01.1985) under Sections 4 and 6, respectively, of the Land Acquisition Act, 1894 (for short, "the 1894 Act"), for the public purpose namely, construction of Palwal-Ghori Road. The Land Acquisition Collector vide its Award dated 19.09.1986, assessed the market value of the acquired land at the rate of Rs.16,000/-per acre for *chahi land* besides grant of other statutory benefits.

4. Feeling dissatisfied with the award passed by the Land Acquisition Collector, appellant(s)-landowner(s) preferred reference petition(s) under Section 18 of the 1894 Act, seeking enhancement of compensation. Upon consideration of the material available on record, the learned Reference Court vide its award dated 03.02.1994, dismissed the same.

5. Aggrieved of the aforesaid decision of the learned Reference Court, the appellant(s)-landowner(s) preferred the aforementioned appeals.

6. Impugning the aforementioned award, learned counsel for the appellant(s)-landowner(s) submits that the learned Reference Court went wrong having discarded the sale deed Ex.P-1 dated 27.05.1982 solely on the

ground that the same was post notification. He submits that once the sale instance Ex.P-1 related to the same revenue estate of Village Ghori and was in close proximity in terms of time period from the date of notification under Section 4 of the 1894 Act in the case in hand, the same should have been relied upon after application of some suitable deduction over the base price per acre derived therefrom. He thus, submits that the market value in the case in hand was required to be enhanced while relying upon the sale instance Ex.P-1 and as such, the impugned award was liable to be set aside/modified.

7. On the other hand, learned counsel for the respondents submits that as per sale instance Ex.R-1 dated 03.06.1982 which also pertained to the same revenue estate of Village Ghori, the sale price per acre was around Rs.8000/- whereas, the Land Acquisition Collector while passing its award on 19.09.1996 had already granted market value @ Rs.16,000/- per acre. He thus, submits that the award passed by the learned Reference Court was based on proper appreciation of pleadings and evidence available on record and as such, calls for no interference.

8. 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 appellant(s)landowner(s).

9. A perusal of record shows that the sale deed Ex.P-1 dated 27.05.1982 pertains to the same revenue estate of Village Ghori, vide which, 8 kanals (1 acre) of land forming part of khasra No.24, rectangle No.82 was sold for a sum of Rs.49,000/-. From the records, it can also be discerned that the acquisition in the present case includes land forming part of rectangle

No.83 and 84 of the revenue estate of Village Ghori. Thus, apparently the location and potential value of the land forming part of sale deed Ex.P-1 dated 27.05.1982 was identically placed as compared to the land under acquisition. In such circumstances, the sale deed Ex.P-1 which pertains to 8 kanals of land needs to be taken into account as the best available sale exemplar for the purpose of determination of market value. Mere fact that the sale deed Ex.P-1 dated 27.05.1982 was post notification by less than 4 months, the same could not have been discarded. Instead, the learned Reference Court was required to apply the doctrine of de-escalation for the period between the sale deed Ex.P-1 dated 27.05.1982 and the date of publication of notification under Section 4 of the 1894 Act in the case in hand i.e. 02.02.1982. In the given facts, as per the copy of *akshajra* proved on record as Ex.P-5, the acquired land is located on *Rasta;* it would be justified and sufficient to apply deduction of 5% over the sale price per acre derived from sale exemplar Ex.P-1 dated 27.05.1982 for determining the market value of the land under acquisition.

10. Furthermore, in view of the fact that the acquisition in the present case related to the public purpose namely, for construction of Palwal-Ghori Road, respondent-State did not suffer any loss of land or incurred any cost towards providing of additional infrastructural amenities, thus, no development cut was required to be applied.

11. At this stage, it may be noticed here that the sale deed produced by the respondents cannot be relied upon as it cannot be treated to be a genuine transaction reflecting the correct market value of the acquired land. It may be noticed here that the Land Acquisition Collector assessed market

value @ Rs.16,000/- per acre while relying upon the recommendations made by the District Collector, thus, in such circumstances, the sale deed produced by respondents in the form of Ex.R-1 dated 03.06.1982 reflecting the sale consideration @ Rs.8000/- per acre needs to be ignored.

12. Accordingly, after applying appropriate cut of 5% over the sale price per acre derived from sale exemplar Ex.P-1, the market price per acre with respect to the present acquisition proceedings as on the date of notification under Section 4 of the 1894 Act, comes to Rs.46,550/-. The appellant(s)/landowner(s) shall also be entitled for all other statutory benefits provided under the Act, including the benefit of interest on solatium.

13. In view of the aforesaid discussion, the appeals filed at the instance of appellant(s)-landowner(s) are partly allowed.

14. 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.

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

20.01.2026 **(HARKESH MANUJA)**
sonika **JUDGE**

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