IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

108

RFA No.1460 of 1996 (O&M)
Date of Decision: 02.02.2026

GEETA DEVI (DECEASED) THROUGH HER LRS AND OTHERS
......Appellants

Vs

HARYANA STATE ELECTRICITY BOARD , PANCHKULA & ANOTHER
...Respondent(s)

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

Present: Mr. R.S. Mamli, Advocate
for the appellants.

Mr. P.S. Saini, Advocate with
Ms. Surbhi Rana, Advocate
for the respondent No.1.

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

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HARKESH MANUJA, J. (Oral)

[1]. By way of present appeal, challenge has been laid to the Award dated 28.02.1996 passed by the learned Addl. District Judge, Kurukshetra (hereinafter to be referred as the 'Reference Court').

[2]. Briefly stating, in the present case, land measuring 58 Kanals 19 Marlas, situated within the revenue estate of village Bir Pipli, Hadbast No.359, Tehsil Thanesar, District Kurukshetra, came to be acquired vide Notifications dated 22.01.1992 and 31.07.1992 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 132 K.V. Sub Station, Pipli of the Haryana State Electricity Board. An Award under Section 11 of the 1894 Act was passed by the Land Acquisition Collector (for short 'the LAC') on 31.03.1994, thereby

determining the market value of the acquired land @ Rs.5,00,000/- per acre along with other statutory benefits/interest payable under the 1894 Act.

[3]. Dis-satisfied with the Award passed by the Land Acquisition Collector, the appellants-landowners invoked Reference under Section 18 of the 1894 Act, which came to be dismissed by the learned Reference Court vide its award dated 28.02.1996. Aggrieved thereof, the present appeal was preferred.

[4]. Impugning the aforesaid Award, learned counsel for the appellants/landowners submits that the Reference Court went wrong while taking into account the sale instances Ex.R-1 to Ex.R-3 which were for lesser consideration than the market value assessed by the Land Acquisition Collector. Learned counsel submits that the sale transactions Ex.R-1 to Ex.R-3 were not to be taken into account being not the genuine or *bona fide* sale transactions and the assessment of market value was required to be made solely by placing reliance upon the sale instance dated 22.02.1991 (Ex.P-7), vide which 2 Marlas of land was sold for Rs.30,000/- and the base price per acre was Rs.24,00,000/-. He further, submits that land forming part of sale instance Ex.P-7 was even identically located on the main G.T. Road leading from Ambala to Karnal toward left side being similar to the location of the acquired land, thus prays for enhancement of compensation in favour of the appellants/landowners

[5]. On the other hand, learned counsel for respondent No.1 placed reliance upon sale instances Ex.R-1 to Ex.R-3 to submit that the land parcels forming part of the said sale transactions were in the close vicinity of acquired land as was depicted from the site plan produced by the learned counsel for the parties. He points out that the average sale price per acre derived from the aforementioned sale transactions was approximately Rs.4,00,000/- per acre, whereas the Land Acquisition Collector had already awarded a sum of Rs.5,00,000/- per acre in

favour of the appellants/landowners which was even upheld by the learned Reference Court and therefore, no further enhancement was required to be granted in their favour. Learned counsel, thus prays that the appeal in hand is liable to be dismissed.

[6]. 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.

[7]. It may be noted here that in terms of order dated 08.12.2025 passed by this Court, learned counsel for both the parties have placed on record one site plan duly signed by them depicting the exact location of the land parcels forming part of the sale deeds produced by the respective parties. The said site plan is taken on record for the convenience of the Court and marked as Mark 'X'.

[8]. Before proceeding further, it may also be noticed here that the learned Reference Court after having gone through the entire material on record has recorded a positive finding of fact with respect to the locational and potential advantage attached to the acquired land, the same being located exactly on the G.T. Road about 1 km. from Pipli towards Karnal; on the eastern side. It was also noticed that across G.T. Road towards western side and just infront of the acquired land, Sectors 2 and 3 of the Urban Estate, Kurukshetra existed. The learned Reference Court also recorded that the land under acquisition was having potential for being used as residential, industrial as well as commercial purpose. Paragraph Nos.8, 9 and 13 of the impugned Award of learned Reference Court being relevant are extracted hereunder:-

> *"8. At the very outset, it is pertinent to mention here that admittedly the acquired land earlier belonged to the petitioners and the same is situated on the G.T. Road, on its east side, about 1 K.M. from Pipli and towards Karnal, and that across the G.T. Road in the West side just in front of the*

acquired land, are situated Sector-2 and Sector 3 of the Urban Estate, developed by the Haryana Urban Development Authority, (for short, HUDA), Kurukshetra.

*9. Further, undisputed position emerging from the evidence brought on record is that the acquired land is situated on the East side of the G.T. road at 'T' point where the road coming, inter-alia, between Sectors 2 and 3 joins the G.T. Road, that just near the acquired land towards North is situated Rice-Sheller abutting the G.T. Road, and on the South side of the acquired land F.C.I. Godown are also situated nearby, which also abuts the G.T. Road; and that on Pipli-Ladwa Road, there are shops. Other buildings and locations i.e. New Grain Market, Pipli, shown in the site-plan, Exh. P2 which is proved by PW 2 Ram Sarup, Retired Patwari, are situated far-away from the acquired land. However, in view of the above position it is proved that the acquired land being situated just on the G.T. Road, on the East side thereof and on the West side of the G.T. Road, there are situated Sectors 2 and 3 of HUDA. In that view of the matter, as held in **Shrimati Uma and others** Versus **The Tribunal Constituted under the Punjab Town Improvement Act, 192, Jullundhur and others,** 1979 P.L.R. 551, such land has potential for residential purposes.*

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13. In view of the above position, keeping in view the situation of the acquired land, obviously it has potential for residential as well as industrial/commercial purposes."

No material evidence has been referred to by the learned counsel for the respondent so as to controvert the locational and potential advantage attached to the land under acquisition, thus the finding in this regard been final and conclusive needs to be taken into account while assessing the market value of the acquired land.

[9]. Further, a detailed chart of the sale instances produced and proved on record by the respective parties in support of their claim are extracted hereunder:-

Sale deeds of the appellants

Sr.No.	Exhibit	Date of sale deed	Area sold A-K-M.	Amount of sale consideration	Village	Price per acre (in Rupees)
1	P-1	24.8.92	0-0-19½	1,50,000/-	Bir Pipli	12,30,769/-
2	P-3	19.10.93	0-0-16	1,12,000/-	Bir Pipli	11,20,000/-
3	P-4	20.7.94	0-0-5½	25,500/-	Bir Pipli	7,41,818/-
4	P-6	7.3.84	0-0-2	48,000/-	Pipli	38,40,000/-
5	P-7	22.02.91	0-0-2	30,000/-	Bir Pipli	24,00,000/-
6	P-8	31.07.91	0-0-4	90,000/-	Bir Pipli	36,00,000/-
7	P-9	6.3.92	0-0-2	50,000/-	Bir Pipli	46,90,140/-
8	P-10	25.2.91	91.11 sq.yds	60,000/-	Bir Pipli	40,90,000/-
9	P-11	29.6.90	0-1-15	1,75,000/-	Pipli	8,00,000/-

Sale deeds of the Respondents

Sr.No.	Exhibit	Date of sale deed	Area sold A-K-M.	Amount of sale consideration	Village	Price per acre (in Rupees)
1	R-1	6.3.91	0-0-4	6,000/-	Bir Pipli	2,40,000/-
2	R-2	22.4.91	0-4-11	1,95,000/-	Bir Pipli	3,42,857/-
3	R-3	7.5.91	283 sq.yds	28,300/-	Bir Pipli	4,84,000/-
4	R-4	13.3.95	0-4-13	87,188/-	Bir Pipli	15,00,000/-
5	R-5	12.9.94	0-1-0	30,000/-	Bir Pipli	2,40,000/-
6	R-6	15.12.94	0-7-16	1,46,500/-	Bir Pipli	14,65,000/-
7	R-7	28.3.94	0-0-4	12,000/-	Bir Pipli	4,80,000/-
8	R-8	5.4.95	0-0-5	4,000/-	Bir Pipli	1,28,000/-

[9.1]. From the above chart, it can be discerned that the sale deeds produced by respondent No.1 as Ex.R-4 to Ex.R-8 and the sale deeds produced by the appellants as Ex.P-1, Ex.P-3, Ex.P-4 and Ex.P-9 are post notification issued under

Section 4 of the 1984 Act and thus, need not to be relied upon. Moreover, the sale deeds Ex.P-11 and Ex.P-6 pertain to the revenue estate of village Pipli, whereas the acquisition in the case in hand is from village Bir Pipli, as such in the absence of there being any proof of locational and potential similarity between the two revenue estates of villages Bir Pipli and Pipli, no reliance can be placed upon Ex.P-11 and Ex.P-6. As regards sale deeds Ex.R-1 to Ex.R-3 which are though prior to the date of acquisition in the case in hand and are even geographically located in close proximity to the acquired land forming part of same revenue estate of village Bir Pipli, yet are liable to be ignored in the wake of deposition made by PW-5 Sh. Atam Parkash, Tehsil Revenue Accountant (TRA), D.C. Office, Kurukshetra, who deposed that during the period from 16.02.1991 to 16.02.1992 as per *Chant Intkalat* of village Bir Pipli, the average rate of agriculture land of *Chahi* nature was Rs.7,53,960/- per acre and of *Gair Mumkin* land, it was Rs.21,33,764.80 paisa per acre. The said details were even placed on record as Ex.P-5. In the cross examination, PW-5 Atam Parkash was nowhere put any question to counter the validity or genuineness of the details provided by him in the form of Ex.P-5, reflecting such *Chant* average sale price.

[9.2]. In this view of the matter, once as per records of the concerned Deputy Commissioner office which were produced by the Tehsil Revenue Accountant, the average sale price per acre of the revenue estate of village Bir Pipli during the relevant period i.e. the date of notification under Section 4 of the 1894 Act in the case in hand was around Rs.7,53,960/- for the agricultural land (*Chahi*) and Rs.21,33,764.80 paisa per acre (*Gair Mumkin land*), the sale instances Ex.R-1 to Ex.R-3 were not be taken into account especially when the sale consideration there under was just around Rs.4,00,000/- to Rs.4,80,000/- per acre. Thus, the same were liable to be rejected not being *bona fide* or genuine sale transactions for the purposes of reflecting the representative market value of the land there under.

[10]. Further, a perusal of the site plan 'Mark X' shows that the land parels forming part of sale instances dated 31.07.1991 (Ex.P-8) and 25.02.1991 (Ex.P-10) were both located far away from the acquired land. Only the land parcel of sale instance produced on record by the appellants/landowners in the form of sale deed dated 22.02.1991 (Ex.P-7) which pertained to 02 Marlas of land, sold for Rs.30,000/- with base price of Rs.24,00,000/- per acre was in close proximity to the acquired land. The land forming part of Ex.P-7 also pertained to the same revenue estate of village Bir Pipli. Even the learned Reference Court having acknowledged the similarity of location and potential of the land forming part of Ex.P-7 in comparison to the acquired land, went on to rely upon the same, however wrongly applied the average of sale instances Ex.P-7 and Ex.R-1 to Ex.R-3 which was wholly uncalled for, as the sale instances Ex.R-1 to Ex.R-3 were not reflecting the genuine sale price or the representative market value.

[11]. In view of the aforesaid discussion, the sale instance dated 22.02.1991 (Ex.P-7) needs to be taken into account as the best available sale exemplar for the purposes of determination of market value of the acquired land. However, taking into account the fact that the sale exemplar Ex.P-7 pertains to small parcel of land measuring 02 Marlas, whereas the land under acquisition is 58 Kanals 19 Marlas, an appropriate deduction @ 60% needs to be applied over the base price of Rs.24,00,000/- per acre derived from it and the market value of the acquired land thus, comes to Rs.9,60,000/- per acre.

[12]. In the given facts since the acquisition in the case in hand has been carried out for the public purpose, namely, for construction of 132 K.V. Sub Station, Pipli of the Haryana State Electricity Board and as such the respondents

neither suffered any loss towards optimum utilization of the area acquired nor incurred expenditure towards providing of additional infrastructural amenities like parks, green belts, roads and community buildings etc., no cut towards development cost(s) needs to be imposed.

[13]. Accordingly, the market value for the land under acquisition is assessed @ Rs. Rs.9,40,000/- per acre as on the date of notification under Section 4 of the 1894 Act. 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 appeal preferred at the instance of appellants-landowners is hereby partly allowed in the aforesaid terms.

[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

February 02, 2026
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Whether speaking/reasoned Yes/No
Whether reportable Yes/No