

2026:PHHC:010638



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

Decided on:-23.01.2026

1. RFA-1852-1997 (O&M)

Dal ChandAppellant.

vs.

State of HaryanaRespondent.

2. RFA-75-1998 (O&M)

Union of IndiaAppellant.

vs.

Dal Chand and anotherRespondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Adish Gupta, Advocate,
for the landowner(s).

Mr. Anuj Garg, DAG, Haryana.

Mr. Anil Kumar Sharma, Advocate,
for the appellant-UI (in RFA-75-1998).

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-1852-1997 (O&M)***.

2. By way of present appeal, challenge has been laid to an Award dated 17.05.1997 passed by the learned Additional District Judge, Faridabad (for short, "Reference Court"), whereby, reference petition preferred at the instance of appellant-landowner invoking Section 18 of the Land Acquisition Act, 1894 (for brevity, "**1894 Act**"), was partly allowed.

3. Brief facts of the case are that some land owned by the appellant-landowner, situated in the revenue estate of Village Jharsentli, Tehsil Ballabgarh, District Faridabad, came to be acquired vide notification dated 23.05.1990 issued under Section 4 of the Land Acquisition Act, 1894 (for short, "the 1894 Act"), for the public purpose namely, "*construction of fourth railway line from Palwal to Ballabgarh*". The Land Acquisition Collector vide its award, assessed the market value of the acquired land at the rate of Rs.3,00,000/- per acre along with other benefits.

4. Feeling dissatisfied with the award passed by the Land Acquisition Collector, appellant-landowner preferred reference petition 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 decision dated 17.05.1997, partly accepted the petition.

5. Aggrieved of the aforesaid decision of the learned Reference Court, the landowner as well as UOI preferred the aforementioned appeals.

6. Impugning the aforementioned award, learned counsel for the appellant-landowner submits that the learned Reference Court went wrong having failed to rely upon the awards dated 13.01.1995 (Ex.P-1) and 12.05.1993 (Ex.P-3), which was related to the same revenue estate of

Village Jharsantli and the market value was assessed @ Rs.150/- per sq. yard. He also points out there being a time gap of almost two years between the two notifications/acquisitions, an appropriate increase was also required to be awarded and as such, the impugned award passed by the learned Reference Court was liable to be modified with grant of enhancement of market value in favour of the appellant-landowner.

7. On the other hand, learned counsel appearing on behalf of the respondents submits that the learned Reference Court went wrong while awarding enhancement @ Rs.125/- per sq. yard in favour of the appellant-landowner despite having recorded that the acquired land was located within 30 meters from the railway track. He submits that there was no similarity of locational and potential advantage attached to the two different parcels of land relating to the two separate acquisitions and thus, the impugned award passed by the learned Reference Court was liable to be set aside as benefit of sufficient market value was already granted in favour of the appellant-landowner by the Land Acquisition Collector in terms of Section 11 of the 1894 Act.

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-landowner.

9. It is a matter of record that prior to the acquisition in hand which was carried out vide notification dated 23.05.1990 issued under Section 4 of the 1894 Act, acquisition of land pertaining to the same revenue estate of Village Jharsentli was done vide notification dated 10.06.1988 under Section 4 of the 1894 Act, for development and utilization of land as

Industrial area in Sector 59 of Faridabad-Ballabhgarh controlled area. With respect to the said land, the market value was assessed @ Rs.150/- per square yard by the learned Reference Court vide its award dated 13.01.1995 (Ex.P-1). Based on the material available on record, a categoric finding of fact has been recorded by the learned Reference Court that two parcels of land relating to the aforementioned two separate acquisitions are situated in the close vicinity. This fact has even been proved on record by way of a site plan (Ex.P-6). The learned Reference Court has also recorded that the land acquired vide present notification was having higher potential value due to its proximity with the land acquired for establishment of Sector 59, Faridabad. No evidence to the contrary has been pointed out before this Court by the respondents so as to take a different view with respect to the locational and potential advantage attached to the acquired land being situated in the close vicinity of the land parcels acquired for Sector 59, Faridabad.

9.1 In such circumstances, once it was established on record that the land parcels forming part of the present acquisition was abutting and adjoining to the land parcels acquired for development and establishment of Sector 59, Faridabad, the learned Reference Court was required to rely upon the decision dated 13.01.1995 (Ex.P-1), which pertained to the adjudication of the market value of acquisition carried out vide notification dated 10.06.1988 issued under Section 4 of the 1894 Act for development and utilization of Sector 59, Faridabad. In the humble opinion of this Court, mere fact that the land under acquisition was at a distance of 30 meters from the railway line could not have been considered as disadvantageous once it

was established on record that the acquired land parcel was abutting and adjoining the land acquired for Sector 59, Faridabad.

9.2 Further, keeping in mind that there is a time gap of around 23 months between the two notifications i.e. from 10.06.1988 and 23.05.1990 and also taking into account the fact that the acquired land formed part of National Capital Region, an appreciation of 12% is required to be awarded in favour of appellant-landowner for a period of two years.

10. Accordingly, in view of the discussion made herein above, the landowners are held entitled for market value of the acquired land @ Rs.186/- per square yard. The appellant/landowner shall also be entitled for all other statutory benefits provided under the Act, including the benefit of interest on solatium.

11. In view of the aforesaid discussion, the appeal filed at the instance of appellant-landowner is partly allowed and the appeal preferred at the instance of UOI stands dismissed.

12. Further, in case of unfortunate demise of the appellant-landowner, 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-landowner; subject of course to any testamentary document created by the deceased.

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

23.01.2026
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(HARKESH MANUJA)
JUDGE

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