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

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1.

RFA No.2165 of 1996 (O&M)
Date of Decision: 28.01.2026

PARKASH CHAND & ANOTHER ......**Appellants**
Vs
STATE OF HARYANA & ANOTHER ...**Respondent(s)**

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

Present: Mr. Sanjay Mittal, Advocate
for the appellants/landowners.

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

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<u>HARKESH MANUJA, J. (Oral)</u>

[1]. By way of present appeal(s), challenge has been laid to the Award dated 03.09.1996 passed by the learned Addl. District Judge, Narnaul (hereinafter to be referred as the 'Reference Court').

[2]. Briefly stating, in the present case, land measuring 10 Kanals 09 Marlas situated within the revenue estate of village Tobra, Tehsil Narnaul and District Mahendergarh, came to be acquired vide Notifications dated 29.06.1992 and 21.06.1993 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 Bus Stand Ateli at village Tobra. An Award under Section 11 of the 1894 Act was passed by the Land Acquisition Collector (for short 'the LAC') on 15.09.1994, thereby determining the market value of the acquired land @ Rs.5,10,400/- per acre.

[3]. Dis-satisfied with the Award passed by the Land Acquisition Collector, the appellant(s)-landowner(s) invoked Reference under Section 18 of the 1894 Act, which came to be disposed of by the learned Reference Court vide its award dated 03.09.1996, while holding that the appellants/landowners were not entitled to any enhanced compensation. Aggrieved thereof, the present appeal was preferred at the instance of landowners.

[4]. 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 with respect to the enhancement of market value sought for by the appellants/landowners.

[5]. Before proceeding further, it may be relevant to take note of the sale deeds produced by both the parties in support of their respective stand. The details thereof are as under:-

Sr. No.	**Date of Sale deed**	**Exhibit**	**Area sold**	**Sale Price**
1	Sale deed dated 03.11.1992	Ex.P-1	1Marla	Rs.16,000/-
2	Sale deed dated 23.08.1993	Ex.P-2 & 5	2 Marlas	Rs.1,60,000/-
3	Sale deed dated 24.08.1993	Ex.P-3	1 Marla	Rs.70,000/-
4	Sale deed dated 27.01.1993	Ex.P-4	1 Marla	Rs.30,000/-
5	Sale deed dated 20.11.1991	Ex.P-8	10 Marlas	Rs.75,000/-
6	Sale deed dated 19.02.1992	Ex.P-9	1 Marla	Rs.30,000/-
7	Sale deed dated 25.11.1991	Ex.P-10	1 Marla	Rs.20,000/-
8	Sale deed dated 26.12.1991	Ex.P-11	1 Marla	Rs.10,000/-
9	Sale deed dated 15.02.1985	Ex.R-1	4 Kanal	Rs.15,000/-
10	Sale deed dated 06.04.1988	Ex.R-2	2 Kanal 8 Marla	Rs.6,000/-

[6]. A perusal of the records shows that the sale instance Ex.P-1 to Ex.P-5 are of post notification and thus, cannot be relied upon. Besides it, the sale instance Ex.P-9 to Ex.P-11 pertain to only 01 Marla of land respectively, therefore, it may not be appropriate to rely upon those as the representative sale exemplars in view of the fact that the land under acquisition is around 10 Kanals 09 Marlas. However, the sale instance dated 20.11.1991 (Ex.P-8) regarding 10 Marlas of land sold @ Rs.75,000/- with base price per acre of Rs.12 lakhs and the land parcel thereunder forming part of the same revenue estate of village Tobra can be relied upon for the purposes of assessment of market value in the case in hand. The sale deed dated 20.11.1991 (Ex.P-8) is even in close proximity in terms of time period to the date of notification under Section 4 of the 1894 Act in the case in hand which was issued on 29.06.1992.

[7]. On the other hand, the sale instances dated 15.02.1985 (Ex.R-1) and 06.04.1988 (Ex.R-2) were proved on record from the side of respondents, whereby the market value per marla was Rs.187.5 and Rs.125/- which is 10% less in comparison to the market value assessed by the Land Acquisition Collector vide Award dated 15.09.1994 and the same thus, cannot be taken into account as the representative market price of the land under acquisition. Even otherwise, the sale deeds dated 15.02.1985 (Ex.R-1) and 06.04.1988 (Ex.R-2) are relating to the period much prior in time in comparison to the exemplar sale deed dated 20.11.1991 (Ex.P-8) as well as the date of notification issued under Section 4 of the 1894 Act in the case in hand.

[8]. Further from the evidence available on record having been led by the appellants/landowners, it has been established that the acquired land is located on the Narnaul-Rewari main road and is just opposite to the already established Grain

Market. The acquired land also is even in close proximity to the Railway Station Ateli and thus, carries locational and potential advantage. On the contrary, no evidence was ever led by the respondents to rebut the aforesaid aspect. Thus, for the purposes of assessment of market value in the case in hand, the sale instance dated 20.11.1991 (Ex.P-8) vide which 10 Marlas of land was sold @ Rs.75,000/- with base price per acre of Rs.12 lakhs needs to be relied upon especially when the land parcel thereunder formed part of the same revenue estate of village Tobra.

[9]. However, taking into account the smallness of the area involved in the said sale exemplar Ex.P-8, which is 10 Marlas and the land under acquisition being 10 Kanal 09 Marlas, it would be justified to apply 1/3rd deduction over the base price per acre of Rs.12 lakhs, thus the market value per acre for the acquired land as on the date of notification under Section 4 of the 1894 Act issued on 29.06.1992 comes to Rs.8 lakhs per acre. Further, in the given facts since the acquisition in the case in hand has been carried out for the public purpose, namely, for construction of Bus Stand Ateli at Village Tobra and as such the respondents did not suffer any loss towards optimum utilization of the area acquired and also did not incur expenditure towards providing of additional infrastructural amenities, no cut towards development costs needs to be imposed.

[10]. Accordingly, the market value for the land under acquisition is assessed @ Rs.8,00,000/- per acre. 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.

[11]. 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.

(HARKESH MANUJA)
JUDGE

January 28, 2026
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Whether speaking/reasoned Yes/No
Whether reportable Yes/No