

2026:PHHC:056951



105 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA-2623-1997 (O&M)
Decided on:-08.04.2026

Ram Chander and others

...Appellants.

vs.

State of Haryana

...Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Chirag Kundu, Advocate for the appellants.

Mr. Abhinash Jain, DAG, Haryana.

HARKESH MANUJA J. (Oral)

1. By way of present appeal, challenge has been laid to an award dated 19.08.1997 passed by the learned Additional District Judge, Kaithal (for short, "*Reference Court*"), whereby, reference petition preferred at the instance of appellants-landowners invoking Section 18 of the Land Acquisition Act, 1894 (for brevity, "1894 Act"), was dismissed.

2. Brief facts of the case are that some land owned by the appellants-landowners, situated in the revenue estate of Village Deora, Tehsil and District Kaithal was acquired vide notifications dated 14.01.1993 (published on 26.01.1993) and 19.07.1993 (published on 10.08.1993) issued under Sections 4 & 6 of the Land 1894 Act, respectively, for the public purpose, namely, "*for the construction of Keorak to Deora road*". The total land under acquisition was 1.45 acres. However, upon measurement by the field staff, the area under acquisition was found to be 1.42 acres. Vide award

dated 12.08.1994, the Land Acquisition Collector assessed the market value @ Rs.1,10,000/- per acre for *Nehri* land and Rs.1,00,000/- per acre for *Chahi* land and thus, assessed the market value of the acquired land at Rs.1,48,062.50, solatium at 30% in consideration of compulsory acquisition of the land at Rs.44418.75, additional amount of Rs.27,391.60 and interest to the tune of Rs.3,95,549/-, thus, in total an award of Rs.6,15,421.85 was passed.

3. Aggrieved of the same, the appellants-landowners 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 Award dated 19.08.1997, dismissed the reference petition.

4. Aggrieved of the aforesaid Award passed by the ld. Reference Court, the appellants-landowners preferred the present appeal.

5. I have heard learned counsel for the parties and gone through the paper book.

6. A perusal of the record shows that the Land Acquisition Collector, Kaithal assessed the market value while considering six sale transactions for the years 1991 and 1992, wherein, the average sale price was Rs.53,763/- per acre for *Nehri* land and Rs.50,785/- per acre for *chahi* land and determined the market value @ Rs.1,10,000/- per acre for *Nehri* land and Rs.1,00,000/- per acre for *Chahi* land, which is approximately twice the average sale consideration reflected in the exemplar transactions relied upon by the Collector. Further, appellant-landowners failed to place on record any other sale instance to strengthen their claim towards further enhancement of the market value.

7. Moreover, no illegality or perversity can be found in the findings recorded by the learned Reference Court while having discarded the mutations Ex.P-1 and Ex.P2 produced on record by the appellants-landowners especially in the wake of law laid down by the Full Bench of this Court in '*State of Punjab vs. Pohnu and another*' reported as *1985 SCC Online P&H 580* wherein it was held that the mutations are neither primary nor secondary evidence and thus, not admissible to prove any of the terms and conditions of contract including sale consideration. The relevant portion thereof is extracted hereunder:-

“13. Consequently, from the case law whatever is available and the plain language of Sections 91 and 65 of the Evidence Act, it is evident that mutation is neither a primary nor secondary evidence of the terms or conditions of a contract of sale and as such would not be admissible, apart from the factum of sale, to prove any of the terms or conditions of the contract including the sale consideration. The principle of law laid down in Bharat Singh's case (supra) as regards the admissibility of the copy of the mutation is, therefore, overruled.”

Accordingly, mutations cannot be taken as evidence of the sale consideration of land and consequently, do not constitute a valid piece of evidence for determination of market value in land acquisition cases. Therefore, no reliance could be placed upon mutations Ex. P-1 and Ex. P-2, and the same were liable to be excluded from consideration. In such circumstances, where the parties were not able to place on record any cogent and reliable evidence warranting any interference with the assessed market value, this Court would not be justified in reassessing compensation merely on the basis of conjectures, surmises or hypothetical assumptions.

8. In view of the discussion made hereinabove, there being no misreading or mis-interpretation of evidence available on record by the

learned Reference Court, no interference is called for. Resultantly, the appeal being devoid of any merits is hereby dismissed.

9. Pending application(s), if any shall also stand disposed of.

08.04.2026
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(HARKESH MANUJA)
JUDGE

(i)Whether speaking/reasoned: Yes/No (ii) Whether reportable: Yes/ No