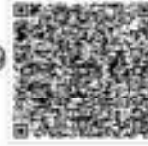


2026:PHHC:022959



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

Decided on:-11.02.2026

1. RFA-1263-2000 (O&M)

Kulwant SinghAppellant.

vs.

State of Haryana and othersRespondents.

2. RFA-1698-2000 (O&M)

Ravi SinghAppellant.

vs.

State of Haryana and othersRespondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Dr. Vikas Rohal, Advocate,
Mr. Kulwant, Advocate and
Mr. Ravi, Advocate for the appellant-landowner.

Mr. Abhinash Jain, DAG, Haryana.

HARKESH MANUJA J. (Oral)

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

1.1 For convenience, the facts are being taken from ***RFA-1263-2000 (O&M)***.

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

dated 11.03.2000 passed by the Court of learned Additional District Judge, Kurukshetra (for short, "Reference Court"), whereby, reference petition preferred at the instance of appellant(s)-landowner(s) 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(s)-landowner(s), situated in the revenue estate of Village Darra Kalan, District Kurukshetra, was acquired vide notifications dated 28.08.1995 and 29.08.1995, issued under Sections 4 & 6, respectively of the 1894 Act, for the public purpose namely, "*for construction of the road from Amin Road to T.P. Scheme No.7-B, Kurukshetra*". The Land Acquisition Collector vide its award dated 13.10.1995 assessed the market value @ Rs.4,25,000/- per acre along with other statutory benefits.

4. Feeling dissatisfied with the award passed by the Land Acquisition Collector, the appellant(s)-landowner(s) 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 11.03.2000, partly allowed the reference petition while re-assessing the market value @ Rs.5 lakhs per acre along with other statutory benefits.

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

6. 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 landowner.

7. A perusal of record shows that vide notification dated 28.08.1995 issued under Section 4 of the 1894 Act, followed by notification dated 29.08.1995 issued under Section 6 thereof, 03 acres of land forming part of revenue estate of Darra Kalan, District Kurukshetra was acquired for the public purpose namely, “*for construction of road from Amin road to T.P. Scheme No.7-B, Kurukshetra*”. The Land Acquisition Collector vide award dated 13.10.1995 assessed the market value @ Rs.4,25,000/- per acre, however, the same was enhanced to Rs.5 lakhs per acre by the learned Reference Court.

8. It has not been disputed that previously, vide notification dated 15.09.1987, the land of village Darra Kalan, Hadbast No. 379, Tehsil Thanesar, District Kurukshetra was acquired for infrastructural development activities by the Kurukshetra Development Board, wherein, the market value was assessed @ Rs.100/- per square yard by this Court vide order dated 02.09.2015 passed in RFA-205 of 1995, titled as “***Gopal Krishan and another vs. Land Acquisition Collector and another***”. Even SLP (Civil) Nos. 5250–5267 of 2009, preferred by the respondent-State against the decision dated 20.03.2008 passed in RFA No. 151 of 1992, on the basis of which RFA No. 205 of 1995 was disposed of, was dismissed by the Hon’ble Supreme Court vide order dated 04.03.2013.

9. Accordingly, the base value of the market price in the present case while relying upon the ***Gopal Krishan’s*** case (supra) come to Rs.100/- per square yard. However, since, there exists a difference of around 8 years between the date of notification under Section 4 of the 1894 Act in the previous acquisition and the present one; an appropriate appreciation needs

to be granted in the case(s) in hand.

9.1 In such circumstances, reliance can be placed upon the latest decision rendered by the Hon'ble Apex Court in case titled as "***R. Manohara Murthy vs. Assistant Commissioner and Land Acquisition Officer, 2024 INSC 977***", wherein 10% cumulative appreciation was held to be apt for 12 years of difference between sale exemplar and notification under Section 4 of the 1894 Act. Thus, the appellant(s)-landowner(s) are entitled to appreciation at the compound rate of 10% per annum for the time gap between two acquisitions i.e. one previously carried out vide notification dated 15.09.1987 and the present one notified on 28.08.1995, especially, when it has been proved on record that the acquired land forms part of the Municipal Limits of Thanesar. Moreover, it has been established on record through the site plan Ex.P-A that the acquired land is located in the close vicinity of rice shellers, flour mills and other commercial establishments, thus, it is evident that the land under acquisition had significant locational and potential advantage attached to it.

10. Furthermore, in view of the fact that the acquisition in the present case related to the public purpose namely, *for construction of the road from Amin Road to T.P. Scheme No.7-B, Kurukshetra*, 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. In view of the above, the market value of the acquired land as on the date of notification i.e. 28.08.1995 issued under Section 4 of the 1894 Act after applying appreciation at the compound rate of 10% per annum,

comes to Rs.214/- per sq. yard. The appellants-landowners shall also be entitled for all other statutory benefits provided under the Act, including the benefit of interest on solatium.

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

13. 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.

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

11.02.2026
sonika

(HARKESH MANUJA)
JUDGE

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