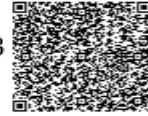


2026:PHHC:022898



115 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA-635-2000 (O&M)
Decided on:-12.02.2026

Man Singh

....Appellant.

vs.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Bhag Singh, Advocate,
for the appellant.

Mr. Jagdish Manchanda, Addl. A.G., Haryana.

HARKESH MANUJA J. (Oral)

1. By way of present appeal, challenge has been laid to an award dated 29.11.1999 passed by the Court of learned Additional District Judge, Ambala (for short, “**Reference Court**”), whereby, reference petition preferred under Section 18 of the Land Acquisition Act, 1894 (**hereinafter referred to as “1894 Act”**) at the instance of appellant-landowner, was dismissed.

2. Briefly stating, some land owned by the appellant situated in the revenue estate of Village Garian, Hadbast No.126, Tehsil Kalka, District Ambala was acquired vide notification dated 24.09.1986 (published on 30.09.1986), issued under Section 4 of the 1894 Act and notification dated 13.01.1987 issued under Section 6 thereof, followed by an award dated 09.05.1988 passed by the Land Acquisition Collector while granting market

value @ Rs.4125/- per acre for *gair mumkin sarak* and *gair mumkin choe* land. The acquisition in the case in hand was carried out for the public purpose namely, “*for the construction of approaches on H.L. Bridge on Garian Nadi*”

3. Being dissatisfied with the award, appellant-landowner preferred reference petition under Section 18 of the 1894 Act, which came to be dismissed vide order dated 29.11.1999.

4. Dissatisfied with the aforesaid award, appellant-landowner preferred the present appeal.

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

6. In the present case, notification under Section 4 of the 1894 Act was issued on 24.09.1986, followed by notification dated 13.01.1987 issued under Section 6 thereof. The land acquisition Collector passed the award on 09.05.1988 with respect to 0.16 acres of land situated in the revenue estate of village Garian, Tehsil Kalka, District Ambala. The land was acquired for the public purpose namely, “*for the construction of approaches on H.L. Bridge on Garian Nadi*”. In terms of the fact that notification under Section 4 of the 1894 Act issued on 24.09.1986, no illegality can be found with the findings recorded by the learned Reference Court vide which the sale instances Ex.P-2 and Ex.P-3 both dated 30.12.1987 pertained to the period post notification under Section 4 of the 1894 Act in the present case and were rightly discarded by the learned Reference Court for the same reason.

6.1 However, the learned Reference Court went wrong having failed to rely upon sale instance Ex.P-4 dated 12.11.1984, vide which 04 kanals 12 marlas of land forming part of the same revenue estate of village

Garian, was sold for a sum of Rs.35,000/- with base price per acre of Rs.60,870/-. The mere fact that the acquired land formed part of khasra No.58 and the sale deed dated 12.11.1984 (Ex.P-4) pertained to khasra No.33, the same was not to be taken as a ground to discard the sale instance Ex.P-4, especially, when both the land parcels formed part of the same revenue estate of village Garian. Rather, the fact that the acquired land formed part of khasra No.58 and the land parcel from the sale deed dated 12.11.1984 (Ex.P-4) was located in khasra No.33, itself shows that the two land parcels were situated in close geographical proximity to each other. In such circumstances, reliance needs to be placed upon the sale instance dated 12.11.1984 (Ex.P-4), especially, when the same relates to a large parcel of land measuring 4 kanals 12 marlas with base price per acre of Rs.60,870/-. Accordingly, the market price of the acquired land as on the date of notification in the present case is assessed @ Rs.60,870/- per acre. The appellant/landowner shall also be entitled for all other statutory benefits provided under the Act, including the benefit of interest on solatium.

7. It may also be noticed here that since the acquired land is merely 0.16 acre whereas the land parcel falling in sale exemplar dated 12.11.1984 pertained to 04 kanals 12 marlas of land, no deduction towards smallness of land involved in the sale deed dated 12.11.1984 (Ex.P-4) is required to be applied.

8. Furthermore, in view of the fact that the acquisition in the present case related to the public purpose namely, *“for the construction of approaches on H.L. Bridge on Garian Nadi”*, the 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.

- 9. Resultantly, the present appeal is partly allowed.
- 10. Pending application, if any, also stands disposed of.

12.02.2026
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(HARKESH MANUJA)
JUDGE

(i) Whether speaking/reasoned: Yes (ii) Whether reportable: Yes