123

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA-971-2000 (O&M) and other connected cases
Date of Decision: March 13, 2026

STATE OF HARYANAAND ANR. ......Appellants

Versus

DES RAM AND ORS. ....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Abhinash Jain, DAG, Haryana.

Mr. Ravi Malik, Advocate for respondents in RFA-975-2000.

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HARKESH MANUJA, J. (ORAL)

Vide this common order, a batch of 15 Regular First Appeal(s) shall stand disposed of, details of which are mentioned in the footnote of the judgment. For convenience, the facts are being culled out from RFA-971-2000.

2. By way of present appeal, challenge has been laid to the judgment dated 08.12.1999 passed by the learned Additional District Judge, Gurgaon (for short 'Reference Court') whereby the reference petition filed under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act') by the respondents-landowners, for seeking enhancement of compensation was partly allowed.

3. Briefly stating, certain land, situated within the revenue estate of Villages Kherli Lala and Bai Khera, Tehsil and District Gurgaon was acquired for the public purpose, namely, "*for construction of Kherli Lala to Bai Khera road*" vide notifications dated 09.09.1985 and 14.07.1986 issued under Sections 4 and 6 respectively of the Act. The Land Acquisition Collector (for short 'LAC') passed Award No.66 GBR dated

22.12.1986 for village Kherli Lala assessing the market value at the rate of Rs.35,040/- per acre for *Chahi* and *abi* land, Rs24,960/- per acre for *Magda* land, Rs. 18,080/- per acre for *Bhood* land, Rs.15,040/- per acre for *banjar* land along with other statutory benefits under the Act and vide award No.61 GBR dated 28.11.1986 for village Bai Khera, assessing the market value at the rate of Rs. 35,040/- for *chahi* land, Rs. 24,960/- per acre for *magda* land, Rs. 12,000/- per acre for *gair mumkin* land besides other statutory benefits under the Act.

4. The respondents-landowners, feeling dissatisfied with the award, sought reference under Section 18 of the Act pleading that the price of acquired land was ranging from Rs.1,50,000/- to Rs.2,00,000/- based on its nature. Moreover, for the acquired land pertaining to revenue estate of village Kherli Lala, respondents-landowners also sought compensation on account of severance. It was further pleaded that the acquired land was situated in close proximity to the village abadi and Ballabgarh industrial area, thus, possessing a higher potential value.

5. Upon notice, the same was contested by the appellant(s)-State while pleading that the compensation awarded by the LAC was just and fair as the same was assessed upon due consideration of the location and potential of the acquired land besides taking into account all other essential factors.

6. Upon framing of the issues and consideration of the evidence available on record, the learned Reference Court, vide award dated 08.12.1999 enhanced the amount of compensation to Rs.1,00,000/- per acre for all kinds of land.

7. Aggrieved of the aforesaid award dated 08.12.1999 passed by the learned Reference Court, the appellant(s)-State filed the present appeal(s).

8. Impugning the aforementioned award, learned counsel for the appellant(s)-State submits that learned Reference Court erred having relying upon the sale instances Ex. P1 (dated 10.06.1983) and Ex. P2 (dated 12.03.1984) produced by the respondents-landowners as the actual market value of the acquired land was even lesser than the value granted by the LAC. Learned counsel contends that the landowners were appropriately and sufficiently compensated by the LAC thus, no further enhancement was required to be granted in their favour by the learned Reference Court. Learned counsel thus submits that the award passed by the learned Reference Court was liable to be set aside and that of the LAC was to be restored.

9. On the other hand, learned counsel appearing on behalf of respondents-landowners submits that the sale instances Exs. R-1 and R-2 produced by the appellant(s)-State were rightly discarded by the learned Reference Court as those pertained to the period post notification under Section 4 of the Act in case(s) in hand. He also submits that the learned Reference Court erred having applied deduction of 10% upon the sale price derived from the sale instances produced by the respondents-landowners as Exs.P-1 and P-2. Learned counsel further contends that in fact, the respondents-landowners were rather entitled for award of appreciation over the base price derived from the sale instances Exs.P-1 and P-2 for the time gap between the date of such sale instances up to the date of notification under Section 4 of the Act. He

therefore prays that the market value was required to be re-assessed and further enhanced in favour of respondents-landowners.

10. I have heard learned counsel for the parties and gone through the paper-book. I am unable to find substance in the submissions made on behalf of the appellant(s)-State.

11. A perusal of record shows that the sale instances Exs.R-1 (dated 17.05.1986) and R-2 (dated 12.06.1986) both pertained to the period post notification under Section 4 of the Act in the case(s) in hand and were thus, rightly rejected by the learned Reference Court. On the other hand, as per the records, the respondents-landowners produced two sale instances Exs. P-1 and P-2, the details thereof are extracted hereunder:-

Exhibit No.	Dated	Area	Sale consideration	Price per acre	Village
P-1	10.06.1983	1 kanal 03 marlas	Rs.16,000/-	Rs.1,11,304/-	Kherli Lala
P-2	12.03.1984	2 kanals 6 marlas	Rs.32,000/-	Rs.1,11,304/-	Kherli Lala

12. In the present case, the acquisition in hand pertains to the revenue estates of village Kherli Lala and Bal Khera, District Gurgaon. A positive finding of fact was recorded by the learned Reference Court with respect to the similarity in locational and potential value attached to both the villages which is extracted hereunder:-

> *"I have no hesitation in holding that market value of the acquired land was Rs.1, lac per acre on the date of notification under sec. 4 of the Act irrespective of the nature of the land for both the villages i.e. village Kherli Lala and Bai Khera being adjacent to each other and more so because the land acquisition collector has himself awarded more or less*

similar compensation. He had only made difference of more or less of Rs. 40/- per acre in compensation of lands of both the villages while announcing his impugned both awards which is a very negligible amount. In view of the discussion above, it is held that the market value of the acquired land in both the villages namely Bai Khera and Kherli Lala was Rs. 1 lac per acre irrespective of the nature of land on the date of notification under sec. 4 of the Act."

12. 1. Even before this Court, the similarity of comparative locational and potential value of both the revenue estates has not been disputed by either of the parties, thus the said finding been conclusive attains finality. Since it does not appear that there exists significant difference in the geographical location or topography of the land in both the Villages as these revenue estates are contiguous and abutting to each other, the sale deeds relating to Village Kherli Lala in the form of Exs. P-1 and Ex. P-2 need to be taken into account for the purpose of determination of market value in the present case(s).

13. Further, it is evident that the base price derived from both the sale instances Exs. P-1 and P-2 each, comes to Rs.1,11,304/- per acre. In such circumstances, the sale instance dated 12.03.1984 (Ex. P-2) vide which land measuring 2 kanals 6 marlas was alienated for Rs. 32,000/-, not only pertained to a larger area as compared to the land parcel forming part of the sale instance Ex. P-1 but was also in closer proximity in time to Section 4 of the Act in case(s) in hand. Therefore, being the best suitable exemplar, the same is relied upon for assessing the market value in the present case(s), accordingly, the market value comes to Rs. 1,11,304/- per acre.

14. Furthermore, taking into account that there exists a time gap of 1 year 6 months between the sale instance dated 12.03.1984 (Ex. P-2) and date of notification issued under Section 4 of the Act in the case in hand, an appropriate appreciation needs to be awarded in favour of respondent(s)-landowner(s). The learned Reference Court recorded that the acquired land was located adjacent to village *abadi* and was situated on the Sohna-Ballabgarh road therefore, had significant locational and potential advantage attached to it. Thus, an appreciation @ 8% per annum would be appropriate for the time gap between the date of sale instance dated 12.03.1984 (Ex.P-2) to the date of notification under Section 4 of the Act i.e. 29.01.1993 which comes to Rs.1,24,660 /- per acre.

15. Insofar as the smallness of the land parcel forming part of the sale deed dated 12.03.1984 (Ex.P-2) is concerned, since the land acquired in the present case(s) measures 7.95 acres whereas the sale deed dated 12.03.1984 (Ex.P-2) pertained to 2 kanals 6 marlas, keeping in mind the significant locational and potential advantage attached to the land under acquisition, no deduction is warranted towards smallness of area involved therein.

16. Furthermore, considering the fact that the purpose of acquisition in the case in hand is construction of "*Kherli Lala to Bai Khera road"* the State did not suffer any loss of land or expense towards providing of additional infrastructural amenities like parks, roads, green belts or community building etc., therefore, no cut towards development cost needs to be applied.

17. Accordingly, the respondents-landowners are held entitled to the market value of Rs. 1,24,660/- per acre as on the date of notification

under Section 4 of the Act. Besides it, the respondents-landowners shall also be entitled for all the statutory benefits and interest, especially the interest on solatium.

18. In the wake of the above, there is no merit in the appeal preferred at the instance of appellant. Although, there is neither any cross-appeal nor any cross-objection preferred at the instance of respondents-landowner, yet reliance can be placed upon the judgment rendered by the Hon'ble Apex Court in ***"Prahlad and others vs. State of Maharashtra and another",*** reported as ***2010(3) Apex Court Judgments (SC) 653*** for grant of enhancement in favour of respondent-landowners. Relevant paragraphs thereof are reproduced hereunder:-

> *"20. In Vanarsi v. Ramphal, AIR 2004 Supreme Court 1989, this Court construing the provisions of Order 41 Rule 33 of Civil Procedure Code held that this provision confers powers of the widest amplitude on the appellate court so as to do complete justice between the parties. This Court further held that such power is unfettered by considerations as to what is the subject matter of appeal or who has filed the appeal or whether the appeal is being dismissed, allowed or disposed of while modifying the judgments appealed against. The learned Judges held that one of the objects in conferring such power is to avoid inconsistency, inequity and inequality in granting reliefs and the overriding consideration is achieving the ends of justice. The learned Judges also held that the power can be exercised subject to three limitations: firstly, this power cannot be exercised to the prejudice of a person who is not a party before the Court; secondly, this power cannot be exercised in favour of a claim which has been given up or lost; and thirdly, the power cannot be exercised when such part of the decree which has been permitted to become final by a party is reversed to the advantage of that party. (See para 15 at pg. 1997)."*

19. Furthermore, the aforementioned decision was followed by Hon'ble Division Bench of Madras High Court in case of ***"P.R. Srinivasan vs. The Special Tahsildar, Adi-Dravidar Welfare Department, Tirupattur"*** reported as ***2013(20) RCR (Civil) 624.*** Relevant paragraph thereof is reproduced hereunder:-

> *"14. The ratio laid down in the above decision squarely applies to the case on hand. Once the Court has taken the view that claimant is entitled to enhanced compensation, he should not be denied the same on the mere technical grounds of non-filing of the appeal by the claimant. Notwithstanding that the claimant has not preferred any appeal, to award fair and adequate compensation to the claimant, this review application has to be allowed."*

20. In view of the aforesaid circumstances, the present appeals are disposed of.

21. 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 applications before the learned Executing Court.

22. All pending application(s), if any, shall also stand disposed of.

13.03.2026 **(HARKESH MANUJA)**
Tejwinder **JUDGE**

Whether speaking/reasoned	*Yes/No*
Whether reportable	*Yes/No*

Other connected cases
RFA-972-2000 (O&M)
RFA-973-2000 (O&M)
RFA-974-2000 (O&M)
RFA-975-2000 (O&M)

RFA-976-2000 (O&M
RFA-977-2000 (O&M)
RFA-978-2000 (O&M)
RFA-979-2000 (O&M)
RFA-980-2000 (O&M)
RFA-981-2000 (O&M
RFA-982-2000 (O&M)
RFA-983-2000 (O&M)
RFA-986-2000 (O&M)
RFA-1430-2000 (O&M)