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

(1) **RFA No. 2330 of 1999 (O&M)**
Date of Decision: 27.04.2026

Sat Pal and others

...Appellants

Versus

The State of Haryana through Collector, Karnal
and others

...Respondents

(2) **RFA No. 291 of 2000 (O&M)**

Dyal Dass

...Appellant

Versus

State of Haryana through Collector, Karnal
and others

...Respondents

AND

(3) **RFA No. 292 of 2000 (O&M)**

Joginder Singh and others

...Appellants

Versus

State of Haryana through Collector, Karnal
and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ishnoor Singh, Advocate and
Mr. Yuvraj Garg, Advocate for
Mr. Vikram Singh, Advocate
for the appellants-landowners
(in RFA-2330-1999)

Mr. Ram Chander, Advocate
for the appellant(s)-landowner(s)
(in RFA Nos. 291 & 292 of 2000)

Mr. Abhinash Jain, Deputy Advocate General, Haryana
for the respondent(s).

HARKESH MANUJA, J. (ORAL)

This order shall dispose off the present three appeals bearing RFA Nos. 2330 of 1999; 291 & 292 of 2000; as the same arise out of common acquisition.

[2] In appeal bearing RFA No. 2330 of 1999 preferred under Section 54 of the Land Acquisition Act, 1894 (**for short “1894 Act”**), the appellants-landowners are seeking modification of the award dated 01.06.1998 passed by the learned Additional District Judge, Karnal (**hereinafter to be referred as “Reference Court”**), whereas in the appeals bearing RFA No. 291 & 292 of 2000, they are seeking modification of the award dated 02.06.1998 passed by the learned Reference Court for enhancement of compensation amount.

[3] RFA No. 2330 of 1999

Some land owned by the appellant(s)-landowner(s) situated within the revenue estate of **Village Rasulpur Kalan, Tehsil & District Karnal**, came to be acquired vide notifications dated 26.12.1986 & 02.03.1987 issued under Sections 4 and 6 of the 1894 Act respectively, for the public purpose namely *“for construction of a road leading from Village Rasulpur to Village Dabarki”*. Vide Award No. 57, dated 14.03.1989, the Land Acquisition Collector, Ambala Cantt. (**for short “LAC”**) assessed market value of the acquired land at the rate of Rs.90,000/- for *Chahi* land; Rs. 2,531.25 for *Gair Mumkin Chahi* land; while awarding Rs. 1,44,383.45 as total compensation for the entire land.

[4] Aggrieved of the aforesaid Award dated 14.03.1989, landowners / interested persons filed reference under Section 18 of

the 1894 Act, which was dismissed vide decision dated 01.06.1998 passed by the learned Reference Court.

[5] RFA Nos. 291 & 292 of 2000

Some land owned by the appellant(s)-landowner(s) situated within the revenue estate of **Village Dabarki, Tehsil & District Karnal**, came to be acquired vide notifications dated 26.12.1986 & 02.03.1987 issued under Sections 4 and 6 of the 1894 Act respectively, for the public purpose namely "*for construction of a road leading from Village Rasulpur to Village Dabarki*". Vide Award No. 20, dated 21.12.1988, the LAC determined the value of the acquired land at the rate of Rs.13,750/- per acre for *Chahi* land; while awarding Rs. 21,071/- as compensation for the total land.

[6] Aggrieved of the aforesaid Award dated 21.12.1988, landowners / interested persons filed reference under Section 18 of the 1894 Act, which were dismissed vide decision dated 02.06.1998 passed by the learned Reference Court while allowing the prayer of the appellants-landowners in RFA No. 292 of 2000 for payment of compensation qua their share.

[7] Dissatisfied with the aforesaid decisions dated 01.06.1998 & 02.06.1998 passed by the learned Reference Court, the present appeal(s) have been preferred at the instance of appellants-landowners.

[8] Besides above, learned counsel for the appellants-landowners raise another issue that the appellants-landowners have been illegally deprived of the interest on the statutory benefits provided under Section 23(1-A) as well as Section 23(2) of the 1894 Act.

[9] I have heard learned counsel for the parties and gone through the paper-book/relevant record.

[10] It is not in dispute that neither any cross-appeal nor cross-objections were filed at the instance of respondent(s)-State of Haryana, assailing the award(s) passed by the learned Reference Court.

[11] RFA-2330-1999

In the given facts, the two sale instances have been produced by the parties pertaining to the same revenue estate of Village Rasulpur Kalan, Tehsil & District Karnal bearing (i) sale instance dated 24.11.1986 (Exhibit P-2) produced by the appellants-landowners for an area measuring 23 kanals 17 marlas for sale price of Rs.1,97,912/- with base price per acre of Rs. 66,385/-; and (ii) sale instance dated 24.12.1985 (Exhibit R-1) produced by the respondent(s)-State for an area measuring 4 kanals against sale price of Rs. 21,000/- with base price per acre of Rs. 42,000/-.

[12] The sale instance Exhibit R-1 is dated 24.12.1985 with base price of Rs. 42,000/- per acre, however, for the time gap between the date of sale instance (Exhibit R-1) upto the date of notification under Section 4 of the 1894 Act in the case in hand i.e. 26.12.1986, an appreciation at the rate of 10% needs to be applied (for one year in toto) and thus, the base price per acre comes to Rs.46,200/- (Rs. 42,000+4200).

[13] As already recorded that both the sale instances Exhibit P-2 & Exhibit R-1 pertained to the same revenue estate of Village Rasulpur Kalan, though the comparative location of the land parcel under the two sale instances with respect to the acquired land has not

been established on record, however, in the given facts and circumstances, the market value can be assessed by taking average of the base price per acre derived thereunder which comes to Rs.56,290/- per acre ($\text{Rs } 66,385 + 46,200 = \text{Rs. } 1,12,585 \div 2 = \text{Rs. } 56,292.50$ or Rs. 56,290 round off).

[14] Considering the fact that the notification under Section 4 of the 1894 Act in the case in hand was issued on 26.12.1986 and the award under Section 11 of the 1894 Act was passed by the LAC on 14.03.1989, i.e. post amendment carried out in terms of Act No. 68 of 1984 [The Land Acquisition (Amendment) Act, 1984], which came into force with effect from 24.09.1984, as such the appellants-landowners were entitled for award of interest in terms of Section 34 of the 1894 Act upon the statutory benefits provided under the aforesaid two provisions of Section 23(1-A) and Section 23(2) of the 1894 Act, the same being the statutory components of compensation.

[15] In view of the aforesaid discussion, impugned award dated 01.06.1998 passed by the learned Reference Court is modified and the appellant(s)-landowners are held entitled for award of market value at the rate of **Rs. 56,290.00 per acre**; besides they shall be entitled for interest provided under Section 34 of the 1894 Act upon the statutory benefits provided under the aforesaid two provisions of Section 23(1-A) and Section 23(2) of the 1894 Act. The appellant(s)-landowner(s) are also awarded consequential / statutory benefits and interest as provided in the 1894 Act (as amended up-to-date).

[16] RFA Nos. 291 & 292 of 2000

Furthermore, considering the public purpose in the cases in hand which is for construction of a road leading from Village

Rasulpur to Village Dabarki and also the fact that the revenue estate of Villages Rasulpur and Village Dabarki are admittedly and undisputedly abutting and adjoining, the market value assessed at the rate of Rs. 56,290/- per acre in favour of the landowners pertaining to the revenue estate of Village Rasulpur, can be safely relied upon for assessing market value pertaining to Village Dabarki in the present cases.

[17] Although, the two revenue estates are abutting and adjoining, however, the revenue estate of Rasulpur abuts Karnal on the one side while on the other side it abuts Village Dabarki, as such Village Rasulpur Kalan is closer to Karnal in comparison to Dabarki, therefore, by applying the deduction of 10%, the market value for the revenue estate of **Village Dabarki** is assessed as Rs. 50,661/- per acre [Rs. 56,290 – 5,629 = Rs. 50,661 (Rs. 56,290 x 10/100 = 5,629)]; besides it, the landowners shall be entitled for interest provided under Section 34 of the 1894 Act upon the statutory benefits provided under the aforesaid two provisions of Section 23(1-A) and Section 23(2) of the 1894 Act. The appellant(s)-landowner(s) are also awarded consequential / statutory benefits and interest as provided in the 1894 Act (as amended up-to-date).

[18] Also, wherever the landowner(s) has/have unfortunately died in the appeal(s) / cross-objection(s) after filing thereof and the legal representatives 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.

[19] All the appeals are **disposed of**.

