



114 (8 cases)

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

**RFA No. 3799 of 1998 (O&M)
and “07” connected cases
Date of Decision: 13.01.2026**

Bakhtawar and another

...Appellants

Versus

The State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Dhruv Singh, Advocate, for the appellant(s)
(in RFA Nos. 3799 to 3803 of 1998 and RFA No. 3 of 1999)

Mr. R.A. Sheoran, Advocate
for the appellant(s) in RFA No. 2255 of 1999)

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

HARKESH MANUJA, J. (ORAL)

This order shall dispose off the present eight (08) appeals bearing RFA Nos. 3799, 3800, 3801, 3802 & 3803 of 1998; RFA Nos. 3, 1173 & 2255 of 1999, as the same arise out of common acquisition/award.

[2] All these appeals have been filed by the landowners, whereby they are seeking further enhancement of compensation for the acquired land. Since the common question of law and facts are involved in these appeals, therefore, for the sake of convenience, facts are being culled out from RFA No. 3799 of 1998.

[3] The appellants-landowners, by instituting the appeal bearing RFA-3799-1998, preferred under Section 54 of the Land

Acquisition Act, 1894 (**for short “1894 Act”**), seek modification of the award dated 22.08.1998 passed by the learned Additional District Judge (1), Bhiwani (**hereinafter to be referred as “Reference Court”**), whereby their prayer with regard to enhancement of compensation was declined.

FACTS

[4] Briefly stating, certain land owned by the appellants situated within the revenue estate of Village Bhiwani Lohar, Tehsil and District Bhiwani, came to be acquired vide notifications dated 25.05.1992 and 12.02.1993 issued under Sections 4 and 6 of the 1894 Act respectively, for the public purpose namely “for the construction of Palwas minor”. Vide Award No. 1, dated 25.01.1995, the Land Acquisition Collector, Narnaul (**for short “LAC”**) determined the value of the acquired land at the rate of Rs. 70,000/- & Rs. 55,000/- per acre for Nahri land and Tal land respectively.

[5] Aggrieved of the aforesaid Award dated 25.01.1995, landowners / interested persons filed reference under Section 18 of the 1894 Act, which were declined vide decision dated 22.08.1998 by the learned Reference Court. Dissatisfied with the aforesaid decision of the learned Reference Court, the present appeal(s) have been preferred at the instance of appellant(s)-landowner(s).

CONTENTION(S):

ON BEHALF OF THE APPELLANT(S)-LANDOWNER(S)

[6] Impugning the aforesaid Reference Court’s award dated 22.08.1998, learned counsel(s) for the appellant(s)-landowners submit(s) that the learned Reference Court went wrong while discarding the sale-deeds produced by the appellants-landowners. It

has been submitted that the sale-deeds Exhibits P-7 to P-12 were also pertaining to the same revenue estate of Village Bhiwani Lohar and thus, were required to be taken into account for the purpose of re-assessment of market value, especially by applying suitable appreciation upon the base price for the time gap between the sale instances upto the date of notification dated 25.05.1992 issued under Section 4 of the 1894 Act and, therefore, the market value was required to be re-assessed.

Learned counsel for the appellant(s) further points out that since the acquisition in the present case was for the public purpose for construction of Palwas Minor, as such the appellant(s)-landowner(s) should have been awarded damages towards severance as well.

ON BEHALF OF RESPONDENT(S)-STATE OF HARYANA

[7] On the other hand, learned counsel representing the respondent-State of Haryana submits that no interference is called for in the impugned award as the appellants-landowners were already granted suitable market price under the award passed by the LAC. He further points out that in the absence of any evidence available on record with respect to any loss caused to the appellant(s)-landowner(s), no damages towards severance were payable to them and thus, the appeals are liable to be dismissed.

DISCUSSION AND REASONING

[8] After hearing learned counsel for the parties and having gone through the paper-book / records, I find substance in the submission(s) made on behalf of the appellant(s)-landowner(s).

[9] Before proceeding in the matter, the relevant chart of the sale deeds produced by the appellants-landowners as well as by the respondent-State of Haryana in the tabulated form are extracted hereunder:-

(i) Sale deeds produced by the appellants-landowners:-

Exhibit	Date of Sale Deed	Area Sold	Sale Price (Rs.)	Village
P-7	19.12.1986	2 Kanals	27,500/-	Bhiwani Lohar
P-8	27.01.1987	2 Kanals	27,500/-	Bhiwani Lohar
P-9	19.03.1987	3 Kanals	41,250/-	Bhiwani Lohar
P-10	09.01.1987	2 Kanals	27,500/-	Bhiwani Lohar
P-11	19.03.1987	3 Kanals 16 Marlas	52,500/-	Bhiwani Lohar
P-12	13.01.1987	2 Kanals	27,500/-	Bhiwani Lohar
Total		14 Kanals 16 Marlas	2,03,750/-	
The average price per acre = Rs. 1,10,135/-				

(ii) Sale deeds produced by the respondent-State of Haryana

Exhibit	No. & Date of Sale Deed	Kind of Soil	Area Sold	Total amount of sale deed	Amount per acre (Rs.)
R-2	1439 & 09.07.1986	Tal	7 Kanals 01 Marla	13,500/-	15,319/-
R-6	604 & 28.05.1993	Tal	9 Kanals 11 Marla	66,000/-	55,287/-
R-7	829 & 14.06.1993	Tal	8 Kanals	57,000/-	57,000/-
R-8	543 & 21.05.1994	Tal	12 Kanals 03 Marla	91,000/-	59917/-
Total					1,87,523/-
Average (1,87,523÷4 = 46,881/-)					46,881/-

A perusal of the above shows that the sale instances, i.e. Exhibits R-6 to R-8 produced by the respondent-State of Haryana relate to the period post notification under Section 4 of the 1894 Act in the case at hand and thus, need not be relied upon. Further, as per

sale instance dated 09.07.1986 (Exhibit R-2), the base price per acre comes to Rs. 15,319/- which is less than one-fourth of the market price assessed by the LAC and thus, apparently not being a bona fide or genuine sale transaction, has to be discarded. As regards the sale-deeds produced by the appellants-landowners in the form of Exhibits P-7 to P-12, the base price per acre is around Rs. 1,10,135/-. The acquisition in the present case relates to the revenue estate of Village Bhiwani Lohar and the sale instances Exhibits P-7 to P-12 also belong to the same revenue estate.

[10] On a specific query, Sh. Satyawar, Patwari, Office of SDO, Bhiwani (East), Irrigation Department, Palwas, who is present in person, informs that the sale instances Exhibits P-7 to P-12 are at a distance of approximately 10 rectangles from the acquired land. In such situation, when the acquisition of land pertains to a revenue estate and not of any urban area, the exemplar sale deeds of land falling at a distance of merely 50 acres from the acquired land, need not be ignored and thus, are taken into consideration for the purpose of re-assessment of market value.

[11] Further, the appellants-landowners also need to be awarded an appreciation at the rate of 10% per annum (in simple) over the base price per acre derived from the most recent sale exemplar dated 19.03.1987 (Exhibit P-11) upto the date of notification issued under Section 4 of the 1894 Act, i.e. 25.05.1992.

[12] Moreover, considering the fact that the acquisition in the present case pertains to 3.14 acres of land and the sale exemplars (Exhibits P-7 to P-12) are for an area ranging from 2 Kanals to 3

Kanals 16 Marlas, as such, no cut is required to be imposed towards smallness of area involved in the sale exemplar.

[13] Furthermore, in the given facts and circumstances, no deduction towards the development cost needs to be applied as the acquisition proceedings were carried out for the public purpose of construction of Palwas Minor and the State did not suffer any loss of land nor even incur any cost towards providing of additional infrastructural amenities.

[14] Accordingly, the market value of the land under present acquisition is re-assessed at the rate of **Rs.1,67,405/- per acre**, as per calculation below:-

Description	Amount per acre (in Rs.)
Average base price of the land (as per sale deeds Exhibits P-7 to P-12)	1,10,135.00
Add: Appreciation @ 10% per annum (Rs.1,10,135 x 10/100 x 5) (from 19.03.1987 to 18.03.1992)	55,067.50
	1,65,202.50
Add: Appreciation @ 10% per annum (Rs.1,10,135 x 10/100 x 73/365) (from 19.03.1992 to 25.05.1992 = 73 days)	2,202.70
	1,67,405.20
Net Compensation	1,67,405.00 (Round Off)

[15] With respect to another plea raised on behalf of the appellant(s) regarding award of damages towards severance, it may be pointed out here that the acquisition has been for the public purpose of construction of Palwas Minor, which undoubtedly is going to bifurcate/divide the land by creating severance of their land-holdings. Therefore, in the considered opinion of this Court, the appellant(s)-landowner(s) are entitled for award of damages at the rate of 20% of the market value towards severance qua the

leftover land-holdings **subject to submitting/showing the proof before the learned Executing Court**, as the severance is definitely going to cause loss to the potential value of their remaining land-holdings by causing inconvenience as regards irrigation facilities as well as passage etc.

DECISION

[16] In view of the aforesaid discussion, impugned award dated 22.08.1998 passed by the learned Reference Court is modified and the appellants-landowners are held entitled for award of market value at the **uniform rate of Rs. 1,67,405/- per acre**. The appellant(s)-landowner(s) are also awarded consequential / statutory benefits and interest as provided in the 1894 Act (as amended up-to-date), especially the interest on solatium as well.

[17] 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.

[18] All the appeals are **disposed off** accordingly.

[19] Pending miscellaneous application(s), if any, shall stand(s) disposed off.

January 13, 2026

‘dk kamra’

**(HARKESH MANUJA)
JUDGE**

Whether Speaking / Reasoned :	Yes	No
Whether Reportable :	Yes	No