IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RFA No.4229 of 1998 (O&M)
Date of Decision: 17.04.2026

SMT. PUSHPA DEVI AND OTHERS .....Appellants.

Vs

STATE OF HARYANA AND ANR. ...Respondent.

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Sandeep Vermani, Advocate
for the appellants-landowners.

Mr. Jagdish Manchanda, Addl. A.G., Haryana and
Mr. Nischal Chetanya Manchanda, Advocate
for the respondent.

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HARKESH MANUJA, J. (Oral)

[1]. By way of present appeal, challenge has been laid to the Award dated 14.09.1998 passed by the learned Addl. District Judge, Gurgaon (hereinafter to be referred as the '*Reference Court*') whereby, reference petition preferred at the instance of appellants-landowners invoking Section 18 of the Land Acquisition Act, 1894 (for brevity, *"1894 Act"*), was dismissed.

[2]. Briefly stating, in the present case, certain land owned by the appellants/landowners, situated within the revenue estate of village Bohra Kalan, Tehsil Gurgaon was acquired vide Notifications dated 22.12.1986 and 19.11.1987 issued under Sections 4 & 6 of the Land Acquisition Act, 1894 (for short the '*1894 Act*') respectively for the public purpose, namely, *"for construction of a road from Bohra Kalan to Ghosgarh"*. Award under Section 11 of the 1894 Act was passed by

the Land Acquisition Collector (for short '***the LAC***') on 12.12.1989, whereby market value of the acquired land was assessed @ Rs.60,000/- per acre for *chahi* land besides granting all other statutory benefits under the 1894 Act.

[3]. Feeling dissatisfied with the award passed by the LAC, the landowners 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 decision dated 14.09.1998 dismissed the reference petition(s). Aggrieved of the aforesaid decision of the learned Reference Court, the present appeal was preferred at the instance of landowners.

CONTENTION(S):

ON BEHALF OF THE APPELLANTS-LANDOWNERS: -

[4]. Impugning the aforesaid award, learned counsel appearing on behalf of the appellants-landowners submits that the learned Reference Court erred having discarded the sale deeds produced by the landowners in the form of Exs.P-1 and P-2 solely on the ground that only the certified copies thereof were brought on record whereas neither the vendor nor the vendee were examined. He further submits that the learned Reference Court erred not taking into account the fact that the acquired land was situated in village Bohra Kalan which was adjacent to National Highway No. 8 and various industrial establishments were existing prior to the acquisition, as such, the acquired land possessed significant locational and potential value. He thus, prays that on the basis of evidence on record, the market value was required to be re-assessed and the appeal preferred at the instance of landowners was to be allowed.

CONTENTION ON BEHALF OF THE RESPONDENT-STATE:-

[5]. Per contra, learned Senior counsel for the State submits that as per the sale instances produced by the respondent-State in the form of Exs.R-1 to R-3, the maximum market value of the acquired land was Rs.44,000/- per acre and since the LAC himself assessed the market value @ Rs. 60,000/- per acre, the appellants-landowners were sufficiently compensated and thus, no interference was warranted with the decision of the learned Reference Court. Learned Senior Counsel thus prays that the appeal preferred at the instance of the landowners was to be dismissed.

DISCUSSION AND REASONING: -

[6]. I have heard learned counsel for the parties and gone through the paper book as well as records of the case(s). I find substance in the submissions made on behalf of the appellant/landowner.

[7]. Before proceeding further, details of the sale instances produced by the landowners as well as State in furtherance of their claims are reproduced hereunder:-

Sale deeds produced by the landowners:-

Exhibit	Date	Area	Total Sale Consideration	Base Price Per Acre	Village
Ex.P-1	29.01.1990	0 Kanal - 10 Marlas	Rs.45,000/-	Rs. 7,20,000/-	Bohra Kalan
Ex.P-2	18.08.1989	1 Kanal – 0 Marla	Rs.90,000/-	Rs.7,20,000/-	Bohra Kalan

Sale deeds produced by the State:-

Exhibit	Date	Area Kana- Marla	Total Sale Consideration	Base Price Per Acre	Village
Ex.R-1	30.04.1986	9K-17M	Rs.47,000/-	Rs. 38,171/-	Bohra Kalan

Ex.R-2	18.07.1986	8K-0M	Rs.44,000/-	Rs. 44,000/-	Bohra Kalan
Ex.R-3	12.07.1986	2K-3M	Rs.7,333.50	Rs. 27,287.44	Bohra Kalan

[8]. A perusal of the above chart shows that the base price derived from the sale instances produced by the respondent-State in the form of Exs.R-1 to R-3 ranged between Rs.27,000/- and Rs.44,000/- per acre, however, the LAC accessed the market value @ Rs.60,000/- per acre for the acquired land. The said assessment of the market value by the LAC was based on the rates supplied by the District Collector of Gurgaon. Once the revenue/executive officials in their wisdom themselves assessed the value of the land forming part of the revenue estate of village Bohra Kalan to be Rs.60,000/- per acre as on the date of notification under Section 4 of the 1894 Act, the sale instances Exs.R-1 to R-3, wherein the price was approximately 30% to 60% lesser than the market value assessed by the LAC were not to be taken as *bona fide* and genuine sale transactions reflecting the representative market value of the subject land at the time of its acquisition and as such, need not be taken into consideration for the purpose of determination of market value in the case in hand.

[9]. Insofar as the sale instances produced by the appellants-landowners are concerned, a perusal of the record shows that in order to support their claims, the appellants-landowners produced on record certified copies of the sale instances in the form of Ex.P-1 and P-2 and admittedly, the vendors and vendees thereof were not examined. The learned Reference Court was misplaced in rejecting the same merely for the said reason and ought to have taken into account the certified copies of the sale instances produced by the appellants-landowners in terms of

Section 51-A of the 1894 Act. My aforesaid view is also supported by the law laid down by the Hon'ble Apex Court in "***Cement Corporation of India Ltd. v. Purya"*** reported as ***2004(8) SCC 270*** wherein it was held that the certified copy of a sale deed is admissible including its content and the contents of the deeds are not required to be proven by examining vendors and vendees. The relevant portion thereof is extracted hereunder:-

> *"17. Section 51A of the L.A. Act may be read literally and having regard to the ordinary meaning which can be attributed to the term 'acceptance of evidence' relating to transaction evidenced by a sale deed, its admissibility in evidence would be beyond any question. We are not oblivious of the fact that only by bringing a documentary evidence in the record it is not automatically brought on the record. For bringing a documentary evidence on the record, the same must not only be admissible but the contents thereof must be proved in accordance with law. But when the statute enables a court to accept a sale deed on the records evidencing a transaction, nothing further is required to be done. The admissibility of a certified copy of sale deed by itself could not be held to be inadmissible as thereby a secondary evidence has been brought on record without proving the absence of primary evidence. Even the vendor or vendee thereof is not required to examine themselves for proving the contents thereof. This, however, would not mean that contents of the transaction as evidenced by the registered sale deed would automatically be accepted. The legislature advisedly has used the word 'may'. A discretion, therefore, has been conferred upon a court to be exercised judicially, i.e., upon taking into consideration the relevant factors.*
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> *18. In V. Narasaiah's case, this Court correctly understood the said scope and object of insertion of Section 51A in the LA Act when it held thus :*
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> > *"It was in the wake of the aforesaid practical difficulties that the new Section 51A was introduced in the LA Act. When the section says that certified copy of a registered document "may be accepted as evidence of the transaction recorded in such document" it enables*

> *the court to treat what is recorded in the document, in respect of the transactions referred to therein, as evidence."*

While coming to the above conclusion in Narasaiah's case, this Court found support from similar provisions in the other statutes like Section 293 of the Criminal Procedure Code which enables the court to use report of a Government Scientific Expert as evidence in any enquiry, trial or proceeding under the said Code, even without examining any person as a witness in a court for that purpose. Notice was also taken of Section 13(5) of the Prevention of Food Adulteration Act pertaining to the report of a Public Analyst which says that any document purporting to be a report signed by a Public Analyst may be used as evidence of the fact stated therein in any proceeding under the said Act. In Narasaiah's case, this Court also relied on a judgment of the Constitution Bench of this Court in ***Mangaldas Raghavji Ruparel & Anr. v. State of Maharashtra & Anr., (AIR 1966 Supreme Court 128)*** *which held thus :*

> *"that sub-section clearly makes the contents of the report of Public Analyst admissible in evidence and the prosecution cannot fail solely on the ground that the Public Analyst had not been examined in the case, but what value is to be attached to such report must necessarily be for the court to consider and decide."*

Thus, the reasoning of this Court in Narasaiah's case that Section 51A enables the party producing the certified copy of a sale transaction to rely on the contents of the document without having to examine the vendee or the vendor of that document is the correct position in law. This finding in Narasaiah's case is also supported by the decision of this Court in the case of Mangaldas Raghavji Ruparel (supra)."

Moreover, the genuineness of the aforementioned sale instances was not disputed by the respondent-State by way of adducing any contrary evidence on record. Thus, the sale instances produced by the appellants-landowners need to be taken into account for determination of market value in the case in hand.

[10]. Furthermore, although, the comparative location of the land parcels forming part the sale deeds Ex. P-1 and P-2 *viz-a-viz* the acquired land was not proved on record by way of any *aks shajra* or site plan, however, the proximity between the two parcels of land can be easily traced out from the relevant material available on record. A comparative chart of the *khasra* numbers of the acquired land as depicted in the notification dated 19.11.1987 issued under Section 6 of the 1894 Act in the case in hand *viz-a-viz* the *khasra* numbers of the land parcels forming part of the sale instances produced by the appellants-landowners is recorded hereunder:-

Exhibits	Date of sale deed	Khasra numbers corresponding to the sale deeds	Khasra numbers of the acquired land in the case in hand
Ex.P-1	29.01.1990	Khasra no.183//16/1/7/1	1, 2, 9, 10, 26, 44, 48, 49, 71, 72, 73, 78, 105, 114, 151, 173, 184, 338, 341, 371, 379, 388, 343, 414, 415, 416, 418, 419, 420.
Ex.P-2	15.01.1998	Khasra no.183//16/1/6	

From the above chart, it is apparent that the land parcels forming part of the sale instances Ex.P-1 and P-2 are located in close geographical vicinity of the acquired land; possessed similar potential and locational advantages and thus, can be safely relied upon for determination of market value in the present case.

[11]. A perusal of the Exs.P-1 and P-2 shows that both sale deeds pertain to the period post notification under Section 4 of the 1894 Act. However, as the said sale instances relate to the same revenue estate of Village Bohra Kalan, the same can be taken into consideration for determining the market value of the acquired land in the present case by applying the doctrine of de-escalation. Reliance in this

regard can be placed upon the decision of the Hon'ble Apex Court in "***Ram Kishan (Since Deceased) Through his LRs etc Vs. State of Haryana & Ors.***" reported as ***2025 INSC 441*** whereby the principle of de-escalation and its applicability were discussed. The relevant paragraph Nos.25 and 26 therefrom are reproduced hereunder:-

> *"25. In Peerappa Hanmantha Harijan (Dead) by Legal Representatives and Others v. State of Karnataka and Another, (2015) 10 SCC 469, finding that lands which were acquired by a later notification in 1988 were adjacent to the lands acquired in the case in question in 1981, this Court applied the principle of de-escalation. The relevant parts of the judgment are set out hereunder:*
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> *"77. Further, the land which has been covered under notification in 1988 is also adjacent to the residential sites which were formed. The landowners in that case produced the sale deeds of the years 1986 and 1988 respectively, which was 2 years and 2 months earlier respectively to the notification issued in the year 1988 and some of which were two to three years earlier. Taking the said relevant facts into consideration, the High Court of Karnataka redetermined the compensation at Rs. 7.5 per square feet of land bearing Survey No. 389 covered in award passed in MFA No. 3796 of 2005 and Cross-Objection No. 213 of 2005 after giving deduction towards the developmental charges, de-escalation and conversion charges. The same method should be applied in the case on hand.*
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> *78. Further, the High Court ought to have taken into consideration the relevant fact that though the final notification for the land covered in MFA No. 3796 of 2005 and Cross-Objection No. 213 of 2005 was in the year 1988, it was for industrial development and the said land was also leased in favour of the allottee Company by KIADB to be used for the industrial development. The land along with the other lands covered in the 1981 notification was also acquired by the State Government for the purpose of the industrial development and allotted to the Company for the development of the industrial estate. Therefore, apart from the fact that there was a gap of 7 years in which the lands of the appellants were notified*

for acquisition to the land covered in MFA No. 3796 of 2005 and Cross-Objection No. 213 of 2005, it is an admitted fact that there is similarity in the nature of the land and the purpose for which they were acquired.

80. As per the survey conducted by the State Government, it is an undisputed fact that mineral is available in the land and the Company is extracting the same to be used as raw material for the manufacture of cement in its factory. Therefore, though the land in the present case is a short distance away from the lands covered in MFA No. 3796 of 2005 and Cross-Objection No. 213 of 2005, both have been acquired for the purpose of industrial development and sought to be used for the same purpose by the Company. The land of the appellants herein along with other lands that was acquired vide notification in 1981 has been allotted in favour of the Company for the purpose of extracting the mineral of limestone which is the raw material used for the purpose of manufacturing the cement used for the commercial purpose. Therefore, the land of the appellants is acquired for the non-agricultural potentiality and the same is used for commercial purpose. Therefore, determining deductions towards de-escalation at 5% per year for 7 years and 10% towards waiting and other incidental charges would justify the redetermination of the market value of the land of the appellants."

26. Moreover, in Chandrashekar (dead) by LRs and Others v. Land Acquisition Officer and Another, (2012) 1 SCC 390, this Court, while recognising the Principle of De-escalation held in Para 37, 40 and 42 as under:-

37. Even though escalation of market price of land is a question of fact, which should ordinarily be proved through cogent evidence yet, keeping in mind ground realities, and taking judicial notice thereof, we are of the view that land prices are on the rise throughout the country. The outskirts of Gulbarga Town are certainly not an exception to the rule. The exemplar sale deed dated 30-12- 1983 was executed exactly 1 year 7 months and 17 days after the publication of the preliminary Notification on 13-5-1982. Keeping in mind the judgments referred to hereinabove, we are of the view, that no fault can be found with the determination rendered by the High Court in making a deduction of 10% under the head of "de-escalation", *specially when the period in question exceeded one year (as for annual deductions), by 7 months and 17 days.*

40. Based on the aforesaid deductions, the High Court calculated the market value of the acquired land at Rs. 67,954 per acre. In spite of the above, the market value of the acquired land for disbursement of compensation to the land-losers was fixed by the High Court at Rs. 65,000 per acre. A perusal of the judgment rendered by the High Court reveals that in allowing final compensation at the rate of Rs. 65,000 per acre to the land-losers, the High Court had placed reliance on market value fixed by the High Court itself in an earlier case. In this behalf, it would be pertinent to mention, that the High Court had awarded Rs. 65,000 per acre as compensation payable to the landlosers, in an earlier process of litigation pertaining to acquisition of land, out of the same notification (under which the appellants' land was acquired). The aforesaid determination was rendered in respect of the land acquired from the revenue estate of Badepur Village.

42. The conclusions drawn by us hereinabove apply equally to Civil Appeals Nos. 8899-901 of 2011. In this behalf it would also be pertinent to mention, that the conclusions drawn by us pertain to acquisition of land falling in the revenue estate of Village Badepur. Insofar as the instant set of appeals are concerned, they pertain to land acquired from the revenue estate of Village Rajapur. The High Court, while making a reference to the land acquired from Village Rajapur, noticed that Village Rajapur had a lower market value as it was farther from the nerve centre of Gulbarga Town as compared to Village Badepur. As such, we are of the view that in the facts and circumstances of the present case, it would be just and appropriate to affirm the compensation determined by the High Court at Rs. 65,000 per acre, even for the land acquired from the revenue estate of Village Rajapur."

[11.1.] The base price per acre derived from both the sale instances Ex. P-1 and P-2 is the same i.e. Rs.7,20,000/- per acre, however, the sale instance Ex. P-2 pertained to the year 1989, whereas the sale instance Ex. P-1 related to the year

1990. Since the acquisition in the present case commenced vide notification dated 22.12.1986 under Section 4 of the 1894 Act, it would be appropriate to place reliance upon the sale instance Ex. P-2, which pertained to the year 1989 being in closer temporal proximity to the date of acquisition and also relating to a comparatively larger area, thus, being the most suitable exemplar.

[12]. Taking into account the fact that the sale deed (Ex.P-2) is dated 18.08.1989, whereas the acquisition in the present case commenced vide notification dated 22.12.1986; for the time gap of around 2 years 8 months between the date of issuance of notification under Section 4 of the 1894 Act in the case in hand and the date of sale deed (Ex.P-2), applying depreciation/de-escalation @ 12% per annum on the base price per acre derived from the sale instance Ex. P-2, the value comes to Rs.4,89,600/- per acre.

[13]. Furthermore, the acquired land in the present case measures 8.84 acres whereas the sale instance Ex. P-2 pertains to a small parcel of land measuring merely 1 Marla, therefore a deduction @ 50% over the base price per acre derived from the sale instance dated 18.08.1989 (Ex.P-2), towards smallness of its area would suffice in the opinion of this Court. Accordingly, applying the same, the market value comes to Rs. 2,44,800/- per acre.

[14]. In the given facts since the acquisition was carried out for the public purpose, namely, *"for construction of a road from Bohra Kalan to Ghosgarh"* as such, the respondent-State neither suffered any loss towards optimum utilization of the area acquired nor did it incur expenditure towards providing of additional

infrastructural amenities like parks, green belts, etc., thus, no cut towards development cost needs to be imposed.

[15]. Accordingly, the market value for the land under acquisition is assessed at the rate of **Rs.2,44,800/- per acre** on the date of notification under Section 4 of the 1894 Act as per the calculation below:-

Calculation:-

Sale deed dated 18.08.1989 (Ex.P-2)	Base Price = Rs.7,20,000/- per acre
Depreciation @ 12% for 2 years 8 months	7,20,000 - 2,30,400 (Base Price - Interest) = 4,89,600
Deduction of 50%	4,89,600 - 2,44,800 (Price – 50% of Price) = 2,44,800
Net Value	**Rs. 2,44,800 /-**

[16]. In addition, the landowners shall also be entitled for award of all statutory benefits and interest as provided under the provisions of the 1894 Act (amended upto date). The landowners shall also be entitled for solatium besides award of interest thereupon.

[17]. Consequently, in view of the discussion made hereinabove, the appeal preferred at the instance of landowners is hereby partly allowed in the aforesaid terms.

[18]. 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 application(s) before the learned Executing Court.

[19]. All pending application(s), if any, shall also stand disposed of.

(HARKESH MANUJA)
JUDGE

April 17, 2026
Atik

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