

2026.PHHC.038747



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA-2463-2000 (O&M) and other connected cases
Date of Decision: March 12, 2026

HINDUSTAN PETROLEUM CORPORTION LTD.Appellant

Versus

MANGTU @ MANGTU RAM AND ORS.Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Raman Sharma, Advocate for the appellant.

Mr. Abhinash Jain, DAG, Haryana.

Ms. Ramandeep Kaur, Advocate for respondents-landowners
 in all the cases except RFA-2550-2000 and
 for RFA-4451-2003

HARKESH MANUJA, J. (ORAL)

Vide this common order, a batch of 28 Regular First Appeals stands disposed of, details whereof are mentioned in the footnote of judgment. For convenience, the facts are culled out from RFA-2463-2000.

2. By way of present appeal, challenge has been laid to the judgment dated 20.07.2000 passed by the learned Additional District Judge, Rewari (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 respondent(s)-landowner(s), seeking enhancement of compensation was partly allowed.

3. Briefly stating, certain land, situated within the revenue estate of Village Bhiwadi and Kamalpur was acquired for the public purpose, namely, for “*construction of Bulk petroleum, installation for the receipt, storage and distribution of petroleum products*” vide notifications dated 29.01.1993 and 08.04.1993 issued under Sections 4 and 6 of the Act. The Land Acquisition Collector (for short ‘LAC’) passed Award No.2/R dated 03.01.1994 assessing the market value at the rate of Rs.70,000/- per acre for *Chahi* land, Rs.55,000/- per acre along with other statutory benefits.

4. The respondent(s)-landowner(s), feeling dissatisfied with the award, sought reference under Section 18 of the Act pleading that the price of acquired land was not less than Rs.10,00,000/- per acre as the same was suitable for residential, commercial and industrial purpose.

5. Upon notice, the same was contested by the appellant (respondent No.4 in the reference petition) and respondents-State while pleading that the acquired land was agriculture in nature and no commercial activity was being carried out in its vicinity, thus, the amount of compensation awarded by the LAC was fair and adequate.

6. After considering the evidence, the learned Reference Court, vide award dated 20.07.2000 enhanced the amount of compensation to Rs.73,500/- per acre for *Chahi* land, Rs.57,750/- for *Bhood* land and Rs.47,250/- per acre for *Barani* land.

7. Aggrieved of the aforesaid award dated 20.07.2000 passed by the learned Reference Court, the respondents-landowners filed the present appeal(s).

8. Impugning the aforementioned award, learned counsel for the appellant submits that though, the learned Reference Court rightly relied

upon the sale instance Ex.P-7 dated 17.09.1992 with base price of Rs.1,52,000/- per acre for the purpose of awarding market value in favour of respondent-landowners, however, it failed to apply any development cut thereupon. He thus, submits that the suitable development cut of at least 25% was required to be applied for the sale price derived from the sale instance Ex.P-7 and the market value was as such, required to be re-assessed accordingly. No other argument has been addressed by learned counsel for the appellant.

9. On the other hand, learned counsel appearing on behalf of respondents-landowners submits that 7 sale deeds were produced on record by the respondent-landowners in order to support their claim towards enhancement of amount of market value of the acquired land. It has been submitted that rather than going for the sale instance carrying the lowest of the sale consideration, in terms of law laid by the Hon'ble Apex Court in Civil Appeal No.7963/2023 titled as ***"Hormal (deceased) through his LRs and Others vs. State of Haryana and Others"***, learned Reference Court was required to take into account the sale instance Ex.P-6 dated 22.06.1990 against which 7 marlas of land was sold for Rs.45,000/- per acre with base price of Rs.10,30,000/- per acre being carrying the highest sale price after applying suitable deduction towards smallness of area involved in the sale deed.

10. Learned counsel for the respondents-landowners also submits that since the land in question was acquired for public purpose namely for construction of bulk petroleum installation for the receipt, storage and distribution of petroleum products and there was no loss of land to the appellant, as such, no development cut was required to be imposed. In view thereof, learned counsel for the respondent-landowners

submits that the market value was required to be re-assessed and enhanced in favour of respondent-landowners.

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

12. Based on the appreciation of pleadings and the evidence available on record, learned Reference Court has gone on to record the locational and potential advantage attached to the acquired land. Relevant findings recorded by the learned Reference Court in this regard in Para No.31 of the award are extracted hereunder:-

“31. Ex.P1 is the site plan indicates that the acquired land is located on Rewari-Bawal road which connects the Highway No.8. The HUDA land and the land of Bharat Petroleum are just adjacent to the acquired land is also the industrial area of HSIDC on Rewari-Bawal road and the National Highway No.8. Industries are admittedly existing on National Highway No.8 prior to the acquisition of the land on Rewari-Bawal road. There is facility of industry lines and residential area of Sector-3 Part-II and therefore it is easily ascertainable that the acquired land had potentially for development due to its location and less distance to Rewari town which is district headquarter.”

13. No evidence has been pointed out by learned counsel for the appellant so as to show that the aforesaid finding recorded by the learned Reference Court was passed on incorrect appreciation of the material available on record. The said finding thus, being final, binds the rights of the parties towards the locational and potential advantage attached to the acquired land being located on Rewari-Bawal road which connected National Highway No.8 and also being adjacent to the industrial area developed by HSIIDC. Furthermore, in order to support their claims the respondents-landowners have produced the following sale deeds:-

Sr. No.	Exhibit No.	Sale deed No.	Date of registration	Area K-M	Price per acre and base price	Revenue-estate
1.	Ex.P-5	2093	10.08.1889	1-0	40,000/-, 30,20,000/-	Karnawas
2.	Ex.P-6	723	22.06.1990	0-7	45,000/-, 10,30,000/-	Karnawas
3.	Ex.P-7	2007	17.09.1992	10-0	90,000/-, 1,52,000/-	Karnawas
4.	Ex.P-8	1170	09.08.1990	2-15	70,000/-, 2,10,000/-	Kamalpur
5.	Ex.P-9	495	22.05.1992	1-1	32,000/-, 2,56,000/-	Bithwana
6.	Ex.P-10	125	12.04.1991	0-16	40,000/-, 3,20,000/-	Kamalpur
7.	Ex.P-11	321	10.05.1993	1-0	70,000/-, 5,60,000/-	Karnawas

14. The Acquisition in the present case relates to the revenue estate of Village Bhiwadi and Kamalpur. The sale deed Ex.P-7 dated 17.09.1992 does not relate to either of two revenue estates. From the above-mentioned table, it is apparent that two sale instances Exs. P-8 and P-10 pertained to the revenue estates of village Kamalpur of which the acquisition in hand relates to. The details of two sale deeds relating to the revenue estate of village Kamalpur is as follows:-

Sr. No.	Exhibit No.	Sale deed No.	Date of registration	Area K-M	Price per acre and base price	Revenue-estate
1.	Ex.P-8	1170	09.08.1990	2-15	70,000/-, 2,10,000/-	Kamalpur
2.	Ex.P-10	125	12.04.1991	0-16	40,000/-, 3,20,000/-	Kamalpur

15. From the aforementioned two sale deeds it can be discerned that the sale deed Ex.P-10 dated 12.04.1991 pertains to a small parcel of land measuring 16 marlas whereas, the sale instance Ex.P-8 dated 09.08.1990 relates to relatively large portion of land measuring 2 kanals 15 marlas. Both the sale deeds Exs.P-8 and P-10 pertain to the revenue estates of village Kamalpur of which the acquired land even forms part of besides the acquisition of some part of land being carried out from the

adjoining revenue estate of village Bhiwadi. In such circumstances, wherein, the acquired land from the revenue estate of village Kamalpur measure around 27 kanals 18 marlas, the sale deed Ex. P-8 dated 09.08.1990 for area measuring 2 kanals 15 marlas needs to be taken into account being a more reliable piece of evidence. Even from site plan, Ex.P-1 produced on record by the respondent-landowners, it has been depicted that the land parcel forming part of sale deed Ex.P-8 dated 09.08.1990 is located at a distance of merely 800 meters from the acquired land. Accordingly, vide sale deed Ex.P-8 dated 09.08.1990, the base price per acre of the land comes to Rs.2,03,636/-. Since there has been a time gap between the sale instance Ex.P-8 and date of notification issued under Section 4 of the Act in the case in hand as such, keeping in mind the locational and potential advantage attached to the acquired land as noticed hereinabove, an appreciation @10% per annum needs to be applied for the said time gap between 09.08.1990 to 29.01.1993.

16. In the humble opinion of this Court, *since the land was acquired for public purpose of "construction of Bulk petroleum, installation for the receipt, storage and distribution of petroleum products"* 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, no cut towards development cost needs to be applied.

17. As such, in view of the discussion made hereinabove, the market value of the acquired land comes to Rs.2,53,000/- per acre. (rounded off).

18. Besides it, the landowners-respondents shall also be entitled for all the statutory benefits and interest, especially the interest on solatium.

19. In view of the aforesaid circumstances, the present appeal is partly allowed with the aforesaid modification.

20. 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.

2. Pending application(s), if any, shall also stand disposed of.

12.03.2026

Tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>

Case No.
RFA-2540-2000 (O&M)
RFA-2541-2000 (O&M)
RFA-2542-2000 (O&M)
RFA-2543-2000 (O&M)
RFA-2544-2000 (O&M)
RFA-2545-2000 (O&M)
RFA-2546-2000 (O&M)
RFA-2547-2000 (O&M)
RFA-2548-2000 (O&M)
RFA-2549-2000 (O&M)
RFA-2550-2000 (O&M)
RFA-2551-2000 (O&M)

RFA-2552-2000 (O&M)
RFA-2553-2000 (O&M)
RFA-4451-2003 (O&M)
RFA-4453-2003 (O&M)
RFA-4454-2003 (O&M)
RFA-4455-2003 (O&M)
RFA-4456-2003 (O&M)
RFA-4513-2003 (O&M)
RFA-620-2004 (O&M)
RFA-621-2004 (O&M)
RFA-622-2004 (O&M)
RFA-623-2004 (O&M)
RFA-624-2004 (O&M)
RFA-625-2004 (O&M)
RFA-1312-2004 (O&M)