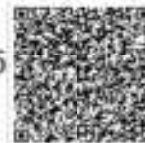


2026:PHHC:067115



237-u IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision:-30.04.2026

1. RFA-2305-2019 (O&M)

Sohan LalAppellant.
vs.

State of HaryanaRespondent.

2. RFA-2306-2019 (O&M)

Anju RaniAppellant.
vs.

State of HaryanaRespondent.

3. RFA-2308-2019 (O&M)

Vinay Kumar Goyal and anotherAppellants.
vs.
State of Haryana and othersRespondents.

4. RFA-2134-2010 (O&M)

State of HaryanaAppellant.
vs.
Vinay Kumar Goel and anotherRespondents.

5. RFA-2135-2010 (O&M)

State of HaryanaAppellant.
vs.

Sohan LalRespondent.

6. RFA-2136-2010 (O&M)

State of HaryanaAppellant.
vs.

Anju RaniRespondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Amit Kumar Jain, Advocate
for the appellant(s) (in RFA-2305, 2306 & 2308 of 2019).

Mr. Raman B Garg, Advocate with
Mr. Mayank Garg, Advocate and
Ms. Komal Parveen Singh, Advocate,
for respondents (in RFA-2134, 2135 & 2136-2010).

Mr. Abhinash Jain, DAG, Haryana.

HARKESH MANUJA J. (Oral)

1. Vide this common judgment, the aforementioned 06 connected Regular First Appeals are being decided as all have arisen out of the same award.

1.2 For convenience, the facts are being taken from **RFA-2305-2019 (O&M)**.

2. By way of present appeal, challenge has been laid to an Award dated 12.08.2009 passed by the learned Additional District Judge, Jind (for short, "*the Reference Court*"), whereby, reference petition preferred at the instance of appellant(s)/landowner(s) invoking Section 18 of the Land Acquisition Act, 1894 (for brevity, "*1894 Act*"), was partly allowed.

3. Brief facts of the case are that some land owned by the landowner(s), situated in the revenue estate of Village Jind, was acquired vide notifications dated 04.10.2004 and 03.10.2005, issued under Sections 4 & 6 respectively of the 1894 Act, for the public purpose, namely, "*for widening of road of Diwan Khana, Jind*". The total land under acquisition was 0.009 acres. The Land Acquisition Collector (for short, "*the LAC*") vide its Award dated 28.08.2006, besides granting statutory benefits under the 1894 Act, assessed the market value of the acquired land @ Rs.8000/- per

square yard.

4. Feeling dissatisfied with the award passed by the LAC, the appellant(s)-landowner(s) 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 award dated 12.08.2009, partly allowed the reference petition while re-assessing the market value @ Rs.15,000/- per square yard along with granting other statutory benefits under the 1894 Act.

5. Feeling dissatisfied with the aforesaid award passed by the learned Reference Court, the landowners as well as State of Haryana preferred the aforementioned appeals/cross appeals.

CONTENTION(S):

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

6. Impugning the aforementioned award learned counsel for the appellant(s)-landowner(s) submits that the learned Reference Court erred having re-assessed the market value merely on the basis of thumb rule. He submits that the learned Reference Court should have relied upon the allotment letter dated 11.02.2003 (Ex.P-5), vide which, 23.63 square yard of land was sold @ Rs.42,462/- per square yard and the same having fetched the maximum price, was thus required to be relied upon for the purpose of determination of market value of the case(s) in hand.

6.1. Learned counsel also points out that an appreciation @ 12% per annum was required to be applied over the base price derived from the allotment letter dated 11.02.2003 (Ex.P-5) for the time gap between the said allotment upto the date of notification dated 04.10.2004 under Section 4 of

the 1894 Act in the case(s) in hand and thus, the market value was required to be enhanced in favour of the appellant(s)-landowner(s) and the appeal(s) preferred at the instance of appellant(s)-landowner(s) were to be allowed.

ON BEHALF OF RESPONDENT(S)-STATE

7. Per contra, learned counsel for the respondent-State submits that the learned Reference Court failed to rely upon the sale instances (Ex.R-1 to Ex.R-4) produced by the respondent-State, as per which, the market price in the year 2006-2007 was atmost Rs.3,000/- per square yard and thus, the enhancement awarded by the learned Reference Court was wholly uncalled for as the appellant(s)-landowner(s) were already awarded sufficient market value @ Rs.8000/- per square yard by the LAC. He 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 and prays that the appeals(s) preferred at the instance of landowners were to be dismissed whereas the appeal(s) by the State were to be allowed.

DISCUSSION AND REASONING: -

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

9. In the given facts and circumstances, the sale instances relied upon by the respondents in the form of Ex.R-1 to R-4, cannot be relied upon, as all the sale transactions pertain to the period post notification under Section 4 of the 1894 Act. The comparative location of the land parcel forming part of sale deeds (Ex.R-1 to Ex.R-4) viz-a-viz the acquired land, so as to establish any kind of similarity in terms of locational and potential advantage, has also not been proved on record either. Furthermore, the

maximum sale price reflected in the sale instances produced by the State was @ Rs. 3,000/- per square yard which was less than half of the market value assessed by the LAC itself. Thus, the same cannot be relied upon for the purpose of determining the market value in the case(s) in hand and were rightly discarded by the learned Reference Court.

10. Before proceeding further, it would be relevant to take note of the evidence produced by the appellant(s)-landowner(s) in the form of three allotment letters in order to substantiate their claim towards enhancement of compensation:-

<u>Sr. No.</u>	<u>Allotment letter dated/exhibits</u>	<u>Area</u>	<u>Price per square yard</u>
1.	11.02.2003 (Ex.P-3)	23.63 square yard	Rs.39,022/-
2.	11.02.2003 (Ex.P-4)	22.69 square yard	Rs.36,886/-
3.	11.02.2003 (Ex.P-5)	23.63 square yard	Rs.42,462/-

10.1 The land parcels allotted under the aforementioned exhibits are undisputedly located in close vicinity of the acquired land, as duly proved on record vide the site plan/latest layout-cum-demarcation of Dewan Khana Scheme (Commercial) (Ex.P-1) prepared by Randhir Singh Mor (PW-1), Draftsman, office of District Town Planner, Jind. Thus, the said allotment letters can be safely relied upon for assessment the market value in the case(s) in hand. The aforesaid view is also derived from the decision of the Hon’ble Apex Court in ‘**Manilal Shamalbhai Patel (deceased) vs. Officer On Special Duty (Land Acquisition)**’ reported as **2025 All SCR 1133** wherein the allotment letter produced by the appellants was treated as a relevant piece of evidence for assessing the market value. The relevant portion thereof is extracted hereunder:-

“8. The letter of allotment of the said Plot No. 7/1 dated 07.06.1988 is on record. It reveals that the land for the purposes of petrol pump was first allotted on 18.07.1984 at a tentative price of Rs. 70/- per sq. mt. with 25% of the frontage charges. Originally, the area of land allotted was 25000 sq. mt. but finally only 1900 sq. mt. was allotted with the condition that the allottee will accept the price whatever is fixed by the GIDC. The GIDC w.e.f. 25.03.1988 revised the premium prices of the lands in Ranoli Industrial Estate to Rs. 180/- per sq. mt. Accordingly, the actual premium price of the said Plot No. 7/1 was worked out and was realised from the allottee.

9. The aforesaid allotment letter clearly reveals that the land of Plot No. 7/1 having an area of 1900 sq. mt. was allotted for the purposes of establishing a petrol pump initially on 18.07.1984 at a tentative rate of Rs. 70/- per sq. mt. which was revised w.e.f. 25.03.1988 to Rs. 180/- per sq. mt., meaning thereby that the GIDC, for whose benefit the present land had been acquired, itself had fixed the rate of Rs. 180/- per sq. mt. of the land of the Ranoli Industrial Estate w.e.f. 25.03.1988. GIDC admits the premium price of the industrial land in Ranoli village to be Rs. 180/- per sq. mt. from 25.03.1988.

10. The rate of the aforesaid plot fixed by GIDC w.e.f. 25.03.1988 was in close proximity with the acquired land and as such there appears to be no harm in taking it to be the best suitable exemplar.....”

10.2 A perusal of the site plan further makes it evident that the acquired land parcel is located more advantageously than the land forming part of the allotment letters (Ex.P-3 to Ex.P-5) as the acquired land is situated on the main road leading from Bus Stand, Jind to City Jind, whereas the land parcels under allotment letters (Ex.P-3 to Ex.P-5) are located at a considerable distance from the main road towards the opposite end of Diwan Khana (Commercial site) and thus, the acquired land parcel evidently possessed greater potential value in comparison to the land forming part of the allotment letters (Ex.P-3 to Ex.P-5).

11. Further, there is a time gap of 01 year & 8 months between the issuance of allotment letters dated 11.02.2003 and the date of notification dated 04.10.2004 issued under Section 4 of the 1894 Act in the case(s) in hand, as such, an appreciation @ 10% per annum needs to be applied for the aforesaid time gap. However, keeping in view the fact that the allotment letters (Ex.P-3 to Ex.P-5) are based on price fetched through the process of auction and were closely range bound, it would be more just and fair to take the average of the prices reflected in all three allotment letters, which comes to Rs.45,954/- per square yard as per the calculation below:

Exhibit / Date of Allotment letter (1)	Price per square yard (Rs.) (2)	Section 4 Notification Date (3)	Interest Rate (per annum) (4)	Interest Amount (Rs.) (5)	Amount after appreciation (2+6) (Rs.) (6)
P-3/ 11.02.2003	39,022/-	04.10.2004	10%	6,425/-	45,447/-
P-4/ 11.02.2003	36,886/-	04.10.2004	10%	6073.55	42,960/-
P-5/ 11.02.2003	42,462/-	04.10.2004	10%	6,992/-	49,454/-
				Total:	1,37,861
	Average		Rs. 1,37,861 ÷ 3		45,953.67
	Net amount				45,954 (Round Off)

12. Moreover, a deduction of 50% needs to be applied towards smallness of area involved therein, so as to balance the equities while relying upon the sale price derived from the allotment letters (Ex.P-3 to Ex.P-5), which is based on public auction; as in the allotment letter (Ex.P-3), the land measures 23.63 square yard, whereas, the acquired land measures 0.009 acres. Accordingly, the market value comes to Rs. 22,977/- per square yard (rounded off Rs.23,000/- per square yard).

13. Accordingly, the market value of the acquired land is assessed @ **Rs.23,000/- per square yard**. In addition, the landowners shall also be entitled for all other statutory benefits and interest, especially interest on solatium under the 1894 Act.

14. In view of the aforesaid discussion, the appeals filed at the instance of landowners are partly allowed, whereas, the appeals filed at the instance of State are hereby, dismissed.

15. Further, in case of unfortunate demise of any of the appellants-landowners, if the legal heir(s)-legal representative(s) have not been brought on record, they shall be entitled for filing execution applications in their own names being legal heirs or legal representatives of the deceased-landowners; subject of course to any testamentary document created by the deceased. It is further clarified that the appellant(s)-landowner(s) shall not be entitled to interest for the period of delay in filing the respective appeal(s).

16. Pending application, if any, also stands disposed of.

30.04.2026
sonika

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/no
Yes/no