2026:PHHC:043978

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

RFA-2188-2004 (O&M)
Decided on:-18.03.2026

Smt. Bimla Devi ....Appellant.

vs.

State of Haryana thr. Collector, Sonepat and ors. ….Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.N.C. Kinra, Advocate,
Mr. Harsh Kinra, Advocate and
Ms. Apoorva Kinra, Advocate,
for the appellant.

Mr. Abhinash Jain, DAG, Haryana.

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<u>HARKESH MANUJA J. (Oral)</u>

1. By way of present appeal, challenge has been laid on behalf of the appellant-landowner to an award dated 12.04.2004 passed by the Court of learned Additional District Judge, Sonepat (for short, "Reference Court") whereby objections preferred under Section 18 of the Land Acquisition Act, 1894 (***for short, "1894 Act"***) were partly disposed of while assessing the market value of the acquired land @ Rs.178/- per square yard besides grant of other statutory benefits.

2. Having perused the record of the present case, it can be traced out that previously vide notification dated 09.11.1992 issued under Section 4 of the 1894 Act, the proceedings commenced with respect to the acquisition of land forming part of four different revenue estates of Villages namely,

Kamaspur, Raipur, Sultanpur and Fazilpur, for the public purpose, namely, *"for development and utilization of the land for residential, commercial and industrial development purpose by way of carving Sector 3 and 7, HUDA Sonepat"*. Notification under Section 6 of the 1894 Act was issued on 06.11.1993 and the award was passed on 05.11.1995. The market value with respect to the said acquisition was conclusively assessed by this Court vide order dated 30.05.2007 passed in RFA-2453-2000, titled as ***"Smt. Chanderpati and others vs. State of Haryana and others",*** thereby granting benefit to the extent of Rs.200/- per square yard in favour of the landowners.

3. Some of the part of land owned by the appellants herein from the revenue estate of Village Kamaspur got acquired in the previous acquisition, which commenced vide notification dated 09.11.1992. However, out of his remaining land holdings in the revenue estate of village Kamaspur, some more came to be acquired vide present notification dated 27.04.1998 issued under Section 4 of the 1894 Act, followed by notification dated 02.11.1998 issued under Section 6 thereof. The present acquisition was carried out for the same public purpose i.e. "*for development and utilization of the land for residential, commercial and industrial development purpose by way of carving Sector 3 and 7, HUDA Sonepat"*. Award under Section 11 of the 1894 was passed on 30.10.2000 granting the market value of Rs.4 lakhs per acre. Aggrieved thereof, the appellants-landowners preferred objections, which came to be partly allowed by the learned Reference Court vide order dated 12.04.2004, thereby assessing the market value @ Rs.178/- per square yard. Challenging the same, the present appeal came to be filed.

4. I have heard learned counsel for the parties and gone throught the paper book.

5. In the given facts and circumstances, when the chunk of land owned by the appellant forming part of the revenue estate of village Kamaspur was previously acquired for the same purpose vide notification dated 09.11.1992 and the market value was assessed @ Rs.200/- per square yard; for the land, which stood acquired vide later notification dated 27.04.1998 for the same public purpose i.e. "*for development and utilization of the land for residential, commercial and industrial development purpose by way of carving Sector 3 and 7, HUDA Sonepat"*, the appellant needs to be awarded benefit of appreciation @ 12% per annum (simple) for the time gap between the two notifications i.e. 09.11.1992 (previous) and 27.04.1998 (later). Accordingly, the market value thus, comes to Rs.331/- per square yard. The appellants shall also be entitled for all other statutory benefits and interest, especially, interest on solatium as well.

6. In view of the aforesaid discussion, the present appeal stands partly allowed.

7. Further, in case of unfortunate demise of the landowner, if the legal heir(s)-legal representative(s) have not been brought on record, they shall be entitled for filing exemption applications in their own names being legal heirs or legal representatives of the deceased-landowner; subject of course to any testamentary document created by the deceased.

8. Pending application, if any, also stand disposed of.

18.03.2026 **(HARKESH MANUJA)**
sonika **JUDGE**

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