



127 (12 cases)

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

**RFA No. 3745 of 2007 (O&M)
and “11” connected cases
Date of Decision: 29.01.2026**

State of Haryana

...Appellant

Versus

Kuldeep and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

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

Mr. S.S. Duhan, Advocate
for the respondent(s)-landowner(s).

HARKESH MANUJA, J. (ORAL)

This order shall dispose off the present twelve appeals bearing RFA Nos. 3745, 3746, 3747 3748, 3749, 3750, 3751 & 3752, 3753 of 2007; 4522 of 2009; 1932 of 2012; and 3022 of 2013; as the same arise out of common acquisition/award.

[2] In the appeals filed by the landowners, they are seeking further enhancement of compensation for the acquired land, whereas in the appeals filed by the State of Haryana, the prayer is for reduction thereof. 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. 3745 of 2007, the appeal filed by the State of Haryana.

[3] The appellant-State of Haryana, by instituting the appeal bearing RFA-3745-2007, preferred under Section 54 of the Land

Acquisition Act, 1894 (**for short “1894 Act”**), seeks setting aside of an award dated 17.07.2007 passed by the learned Additional District Judge-II, Jind (**hereinafter to be referred as “Reference Court”**) while restoring the award passed by the Land Acquisition Collector, Jind (**for short “LAC”**).

FACTS

[4] Briefly, the facts are that in pursuance of Haryana Govt. Notification under Section 4 of the 1894 Act issued on 09.04.2001, followed by Notification dated 22.03.2002 under Section 6 thereof, certain land of the respondent(s)-landowner(s), situated within the revenue estate of Villages Malar, Tehsil Safidon, District Jind was acquired. The acquisition was made for public purpose, namely, “construction/extension of Budha Khera Minor”. The LAC vide Award dated 09.09.2002, assessed the market value @ Rs. 2 lakhs per acre for Nahri/Chahi land acquired besides grant of other statutory benefits.

[5] Aggrieved of the assessment made by the LAC, the interested persons / respondent(s)-landowner(s) preferred reference petition(s) under Section 18 of the 1894 Act, which came to be accepted vide decision dated 17.07.2007, while enhancing the market value for the land to Rs. 3,50,000/- per acre.

[6] Being dissatisfied with the determination made by the learned Reference Court, both the parties are in appeal.

DISCUSSION AND REASONING

[7] I have heard learned counsel for the parties and gone through the paper-book/relevant record.

[8] A perusal of the judgment passed by the learned Reference Court shows that the only reliance placed upon is on the Award dated 10.02.2006 (Exhibit P-X) rendered by the then learned Reference Court. The Award dated 10.02.2006 related to the acquisition pertaining to the land falling in the revenue estate of adjoining Villages Paju and Muwana where the acquisition was carried out for the similar public purpose namely, i.e. for construction of Muwana Sub Minor as per notification dated 26.09.2000 issued under Section 4 of the 1894 Act and accordingly, the market price was assessed @ Rs. 3,50,000/- per acre.

[9] However, it is pertinent to note that in the present case, the respondent(s)-landowner(s) have failed to produce any sale transaction so as to substantiate their claim towards grant of just and fair compensation. In such circumstances, considering the nature of the 1894 Act, being a beneficial legislation to grant just and fair compensation to the landowners and in furtherance of the substantial justice, recourse is taken to the Government Policy presented before this Court.

[10] It is not disputed that the Government of Haryana had issued policies from time to time whereby minimum market price for acquisition of land in the State of Haryana was fixed. Vide the policy dated 28.04.2005 which provided that all the landowners in whose cases the Award of Collector was announced on or after 05.03.2005 irrespective of date of notification under Section 4 of the 1894 Act shall be entitled to minimum compensation @ Rs. 5,00,000/- per acre. As such, in case the market value is assessed on the basis of the Government Policy dated 28.04.2005, by taking Rs. 5,00,000/- per

acre as base price, after applying suitable deduction for the time period between the date of Notification under Section 4 of the Act and the date of the Government Policy, as per the principles of doctrine of de-escalation @ 7.5% for the period between 09.04.2001 (Notification under Section 4 of the 1894 Act) and 28.04.2005 (Government Policy), in view of the decision rendered by the Hon'ble Apex Court in ***The General Manager, Oil & Natural Gas Corporation Ltd. vs. Rameshbhai Jivanbhai Patel*** reported as ***2008(4) RCR (Civil) 487***, whereby it was held that in absence of any specific evidence relating to the actual increase in prices, increase in market value can be taken about 5% to 7.5% per annum for rural areas; the market value comes to Rs. 3,48,048/- which is not significantly different from the market value assessed by the learned Reference Court @ Rs. 3,50,000/- per acre.

[11] Therefore, once the Government itself vide policy dated 28.04.2005 prescribed the rate of market price to be Rs. 5,00,000/- per acre which after suitable deductions comes to Rs. 3,48,048/- on the date of notification issued under Section 4 of the 1894 Act in the present case and is not significantly different than that of market value assessed by the learned Reference Court which is Rs. 3,50,000/-, no interference is called for in the award dated 17.07.2007 passed by learned Reference Court, whereby the market value was enhanced to Rs. 3,50,000/- per acre, besides all other benefits as provided under the Act.

[12] Consequently, all the **appeals** are hereby **dismissed**.

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

January 29, 2026
‘dk kamra’

(HARKESH MANUJA)
JUDGE

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