IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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1. RFA No.3868 of 2007 (O&M)
Date of Decision: 09.03.2026

RANBIR SINGH (DECEASED) TH. HIS LRS AND ORS. .....Appellants

Vs

STATE OF HARYANA THROUGH COLLECTOR, PANIPAT AND ORS. ...Respondent(s)

2. RFA No.657 of 2008 (O&M)

THE STATE OF HARYANA AND ORS. .....Appellants

Vs

RANBIR SINGH AND ORS. ...Respondent(s)

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

Present: Mr. B.S. Rathee, Advocate
for the appellants/landowners.

Mr. Abhinash Jain, D.A.G., Haryana.

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HARKESH MANUJA, J. (Oral)

[1]. Vide this common order, both the aforementioned Regular First Appeals, are being decided as the same have arisen out of common acquisition/Award involving identical facts and question of law. For the sake of brevity, facts are being taken from RFA No.3868 of 2007.

[2]. By way of present appeal(s), challenge has been laid to the Award dated 20.07.2007 passed by the learned Addl. District Judge, Panipat (hereinafter to be referred as the 'Reference Court').

[3]. Briefly stating, in the present case(s), total land measuring 13 *Bighas* 09 *Biswas*, situated within the revenue estate of village Didwari, Hadbast No.39 Tehsil Israna, District Panipat came to be acquired vide Notifications dated 04.05.2001 and 22.01.2002 issued under Sections 4 & 6 of the Land Acquisition

Act, 1894 (for short the '1894 Act') respectively for the public purpose, namely, *"for the construction of New Balana Minor from RD.0 to 17200 tail off-taking at RD 15350-L, Israna Disty. by Irrigation Department'*. Award under Section 11 of the 1894 Act was passed by the Land Acquisition Collector (for short 'the LAC') on 15.01.2003, whereby market value of the acquired land was assessed @ Rs.2,20,000/- per acre for *Chahi* land along with all other statutory benefits and interests provided under the 1894 Act.

[4]. Dissatisfied with the Award passed by the LAC, the appellants/landowners invoked Reference under Section 18 of the 1894 Act, which came to be partly allowed by the learned Reference Court vide its award dated 20.07.2007, while granting them enhanced compensation @ Rs.2,50,000/- per acre besides awarding all other statutory benefits/interest in their favour under the 1894 Act. Aggrieved thereof, the present appeals were preferred at the instance of landowners as well as respondent/State.

[5]. Impugning the aforesaid Award, learned counsel for the appellants/landowners submits that the learned Reference Court erred while discarding the sale deed dated 18.01.1994 (Ex.PW-3/A) vide which 05 Biswas of land forming part of the revenue estate of village Didwari was sold @ Rs.37,500/- with base price of Rs.6,00,000/- per acre merely for the reason that the same pertained to a small parcel of land.

[5.1]. Learned counsel also points out that for the time gap between the date of sale i.e. 18.01.1994 till the date of Notification issued under Section 4 of the 1894 Act, in the present case i.e. 04.05.2001, an appreciation @ 12% per annum over the base price per acre derived from the aforementioned sale deed dated

18.01.1994 (Ex.PW-3/A) needs to the applied, and accordingly, the market value ought to be re-assessed in favour of the appellants/landowners.

[6]. On the other hand, learned State counsel submits that no reasons were recorded by the learned Reference Court while enhancing the market value to Rs.2,50,000/- per acre for *Chahi* land in favour of the appellants-landowners. He, thus submits that once the sale deed dated 18.01.1994 (Ex.PW-3/A) produced on record by the appellants-landowners was discarded being relating to small piece of land, no enhancement was required to be awarded in favour of the appellants/landowners and as such, the impugned judgment was liable to be set aside and the Award passed by the LAC was to be restored.

[7]. 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 appellants/landowners.

[8]. In the present case, following sale deeds have been produced by both the sides in support of their claim:-

<u>Sale deed/document produced by the appellants/landowners</u>

Exhibit	Title and Date of document	Land measuring	Price per acre
PW-3/A	Sale deed dated 18.01.1994	05 Biswas	Rs.6,00,000/-
Addl. Evidence	Award dated 17.03.2006 in respect of adjoining village Balana	--	Rs.12,00,000/-

<u>Sale deed/document produced by the respondents</u>

Exhibit	Title and Date of document	Land measuring	Sale consideration, price per acre
Ex.R-2	Sale deed dated 26.05.2004	10 Biswas	Rs.2,90,000/-
Ex.R-3	Sale deed dated 27.06.2003	07 Biswas	Rs.2,00,000/-

[9]. At the first instance, it may be relevant to take note of the two sale deeds produced on record by the appellants/landowners as Ex.R-2 and R-3 dated 26.05.2004 and 27.06.2003 respectively, the same pertain to the period post notification issued under Section 4 of the 1894 Act in the case(s) in hand, thus cannot be relied upon. Further, the sale instance dated 18.01.1994 (Ex.PW-3/A) produced on record by the appellants/landowners pertain to the same revenue estate of village Didwari, vide which 05 Biswas of land was sold @ Rs.37,500/- with base price of Rs.6,00,000/- per acre and thus, the same needs to be relied upon for the purpose of determination of market value in the case(s) in hand.

[10]. Since there exists a time gap of around 07 years 04 months between the date of sale deed dated 18.01.1994 (Ex.PW-3/A) and the date of issuance of notification dated 04.05.2001 under Section 4 of the 1894 Act in the case(s) in hand, suitable appreciation needs to be awarded in favour of the appellants/landowners, especially when a positive finding of fact has been recorded by the learned Reference Court in relation to the locational and potential advantage attached to the acquired land in the case(s) in hand. The same is extracted hereunder:-

> *"13. Nonetheless the fact remains that suit land is situated in the vicinity of Panipat and Gohana Road. It is not disputed that acquired land lies near Panipat which is a big city having high commercial and industrial potential. It is also admitted from all sides that acquired land is irrigated by canal water and is highly fertile. Keeping in view the rising prices of land in recent years, petitioners are justified in claiming that adequate price of suit land was not paid to them."*

In such circumstances, wherein it is evident and established that the acquired land had significant locational and potential value attached to it, an appreciation @ 8% per annum would be appropriate to be awarded over the base price of Rs.6,00,000/- per acre derived from Ex.PW-3/A; which thus comes to Rs.9,52,000/- per acre (approximately).

[11]. Further, since the area forming part of the said sale deed dated 18.04.1994 (Ex.PW-3/A) happened to be a small parcel of land measuring 05 *Biswas*, whereas the acquisition in the case(s) in hand pertains to 13 *Bighas* 09 *Biswas*, a deduction @ 40% towards smallness of area would suffice and the market value of the acquired land as on the date of notification under Section 4 of the 1894 Act, thus comes to Rs.5,71,200/- per acre.

[11.1]. However, in the given facts since the acquisition in the case(s) in hand was carried out for the public purpose, namely, "*for the construction of New Balana Minor from RD.0 to 17200 tail off-taking at RD 15350-L, Israna Disty. by Irrigation Department"*, as such, the respondent(s)/State neither suffered any loss towards optimum utilization of the area acquired nor did it incur expenditure towards providing of additional infrastructural amenities, therefore, no cut towards development cost(s) needs to be imposed.

[12]. It may also be noticed here that vide the same notification issued under Section 4 of the Act; for the same public purpose, the land forming part of the revenue estate of village Dahar came to be acquired, regarding which this Court vide its judgment dated 19.08.2025 passed in ***RFA No.275 of 2008*** titled ***'Lal Singh (Deceased) thr. His LRs. Vs. State of Haryana thr. its Collector, District Panipat and others,*** went on to re-assess the market value in favour of the appellants-therein @ Rs.5,71,703/-. Admittedly, the revenue estates of village Dahar and Didwari are abutting, adjoining and in close vicinity and the market

value assessed therein does not significantly differ from the value assessed in accordance with the evidence on record in the present case(s).

[13]. Accordingly, the market value for the land under acquisition is assessed @ Rs.5,71,200/- per acre as on the date of notification under Section 4 of the 1894 Act. 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 @ 30% besides award of interest thereupon.

[14]. Consequently, in view of the discussion made herein above, the appeal preferred at the instance of appellants/landowners is hereby partly allowed in the aforesaid terms and the appeal filed by the State of Haryana is, thus dismissed.

[15]. 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.

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

(HARKESH MANUJA)
JUDGE

March 09, 2026
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Whether speaking/reasoned Yes/No
Whether reportable Yes/No