

2026:PHHC:077407



120 (18 cases and One Cross-Objection)

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

**RFA No. 2814 of 2006 (O&M)
and “17” connected cases
Date of Decision: 18.05.2026**

State of Haryana through Collector, Jind

...Appellant

Versus

Om Parkash (Parkash) (since deceased)
through LR 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. Mahavir Sharma, Advocate with
Ms. Sudiksha Surbhi, Advocate
for the respondent(s)-landowner(s)
(in RFA Nos. 2814, 2818 & 2822 of 2006)

Ms. Shivani Mishra, Advocate for
Mr. R.N. Lohan, Advocate
for the respondent(s)-cross objector(s) / landowner(s)
(in RFA No. 2816 of 2006 with Cross Objection No. 6-CI of 2011)

HARKESH MANUJA, J. (ORAL)

This order shall decide the present eighteen (18) appeals
and one cross-objection bearing RFA Nos. **2814 (lead case)**, 2815,
2817, 2818, 2819, 2820, 2821, 2822, 2823, 3830, 4114 & 4115 of
2006; RFA No. 2816 of 2006 with XOBJR-6-CI-2011; RFA Nos. 2035,
2036, 2037, 2038 & 2039 of **2014**; 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. 2814 of 2006, the appeal filed by the State of Haryana.

[3] The appellant-State of Haryana, by instituting the appeal bearing RFA-2814-2006, preferred under Section 54 of the Land Acquisition Act, 1894 (**for short “1894 Act”**), seeks setting aside of an award dated 01.04.2006 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 26.03.2000, followed by Notification dated 16.08.2000 under Section 6 thereof, certain land of the respondent(s)-landowner(s), situated within the revenue estate of Village Brarkhera, Tehsil and District Jind, was acquired for the public purpose, namely, “*for construction of Buwana Sub-Minor*”. The Land Acquisition Collector (**for short “LAC”**), vide Award dated 24.03.2001, assessed the market value of the acquired land @ Rs. 1,50,000/- per acre for *Nahri / Chahi* land; Rs.85,000/- per acre for *Barani* land besides grant of other statutory benefits provided under the 1894 Act.

[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 01.04.2006, while enhancing the market

value for Nahri/Chahi land to Rs. 3,00,000/- per acre alongwith interest and other benefits under the 1894 Act.

[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] 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.

[9] 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 26.03.2000 (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 change in prices, increase or decrease in market value can be taken about 5% to 8% per annum for rural areas; the market value comes around to Rs. 3,00,000/- per acre as assessed by the learned Reference Court.

[10] 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 around to Rs.3,00,000/- per acre on the date of notification issued under Section 4 of the 1894 Act in the present case and is exactly the same as that assessed by the learned Reference Court which is Rs.3,00,000/- per acre, no interference is called for in the award dated 01.04.2006 passed by learned Reference Court, whereby the market value was enhanced to Rs. 3,00,000/- per acre, besides all other benefits as provided under the 1894 Act.

[11] Consequently, all the **appeals** filed by the State as well as the landowners are hereby **dismissed**.

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

May 18, 2026

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**(HARKESH MANUJA)
JUDGE**

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