IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RFA No.3616 of 2008 (O&M)
with other connected cases
Date of Decision: 23.04.2026

SHER SINGH (SINCE DECEASE) TH. HIS LRS .....Appellant
Vs
STATE OF HARYANA THROUGH DISTRICT COLLECTOR, JIND DISTRICT JIND ...Respondents

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

Present: Mr. Sushil Dhull, Advocate for
Mr. Jasbir Mor, Advocate
for the appellant(s)/landowner(s).

Mr. Abhinash Jain, D.A.G., Haryana with
Sh. Manoj Kumar, SDO Irrigation,
Water Services, Sub-Division, Jind.

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HARKESH MANUJA, J. (Oral)

[1]. Vide this common order, the present appeals bearing RFA Nos.3616, 3617, 2009, 3964, 1489, 1490 and 1491 of 2008 (O&M) are being decided as all these appeals have arisen out of common acquisition and involve identical facts and questions of law. For the sake of brevity, facts are being taken from **RFA No.3616 of 2008.**

[2]. By way of present appeal(s), challenge has been laid to the Award dated 24.12.2007 passed by the learned Addl. District Judge-II, Jind (hereinafter to be referred as the '*Reference Court*').

[3]. Briefly stating, in the present case(s), certain land owned by the appellant(s)/landowner(s), situated within the revenue estate of village Amrawali Khera, Tehsil Safidon, District Jind was acquired vide Notifications dated 23.05.2003 and 31.10.2003 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 Siwaha Minor"*. Award under Section 11 of the 1894 Act was passed by the Land Acquisition Collector (for short '*the LAC*') on 26.02.2004, whereby market value of the acquired land was assessed @ Rs.1,50,000/- per acre for *nehri* and c*hahi* land.

[4]. Aggrieved thereof, the landowner(s) preferred their objections in terms of Section 18 of the 1894 Act which were referred to the learned Reference Court, which came to be partly accepted vide its award dated 24.12.2007, while re-assessing the market value of the acquired land @ Rs.4,00,000/- per acre irrespective of its nature besides granting all other statutory benefits under the 1894 Act.

[5]. Still aggrieved, the present appeals were preferred at the instance of the appellants/landowners as well as respondent/State.

CONTENTION(S):

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

[6]. Impugning the aforesaid Award, learned counsel for the appellant(s)/landowner(s) submits that the learned Reference Court erred having discarded the sale instances produced by the appellant(s)/landowner(s). Learned counsel contends that the market value of the acquired land was required to be re-assessed by considering the sale transactions involved in the said sale instances produced in the form of Ex.P-1 to Ex.P-3 and the learned Reference Court could have applied deduction towards the smallness of the area involved in the such sale instances. He thus, prays that the impugned award dated 24.12.2007 passed by the learned Reference Court was liable to be modified and on the basis of evidence on

record, the market value was required to be re-assessed and the appeal(s) preferred at the instance of landowners were to be allowed whereas the appeal(s) preferred by State were to be dismissed.

ON BEHALF OF THE RESPONDENT(S)-STATE:-

[7]. Per contra, learned State counsel submits that out of the three sale instances produced by the appellant(s)/landowner(s), sale instance dated 30.06.2003 (Ex.P-3) pertained to period post notification under Section 4 of the 1894 Act in the case(s) in hand, as such, the same was to be discarded.

[7.1]. Further, learned State counsel on instructions from Sh. Manoj Kumar, SDO Irrigation, Water Services, Sub-Division, Jind submits that the land forming part of the sale instances dated 22.05.2001 (Ex.P-1) and 27.02.2003 (Ex.P-2) produced by the appellant(s)/landowner(s) was at far away distance from the acquired land. Learned State counsel further contends that the sale instances produced by the appellant(s)/landowner(s) were located on the Jamni-Pillu Khera village road leading from Jind to Safidon road, whereas the acquired land was located at a considerable distance and thus, there was difference of location and potential and as such, the sale instances Ex.P-1 and Ex.P-2 were not to be relied upon.

[7.2]. Learned State counsel also submits that the award passed by the learned Reference Court was wholly non-speaking and unreasoned and as such the same was liable to be set aside as the appellant(s)/landowner(s) were already awarded sufficient market value of their acquired land. Hence, no further enhancement of the market value was required to be granted in their favour and the order passed by the LAC was to be restored.

DISCUSSION AND REASONING: -

[8]. 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 appellant(s)/landowner(s).

[9]. As per records, the appellant(s)/landowner(s) produced three sale instances in the form of Exs.P-1 to P-3 forming part of revenue estate of village Amrawali Khera, Tehsil Safidon, District Jind, so as to put forth their claims towards enhancement of the market value. The details thereof are extracted as under:-

Sale deeds produced by the appellant(s)/landowner(s)

Exhibit	Sale deed No./ Date	Area K-M	Total Sale Consideration	Base Price Per Acre	Village
Ex.P-1	122/22.05.2001	0K-3-1/3M	Rs.50,000/-	Rs.24,02,402/-	Amrawali Khera
Ex.P-2	1255/27.02.2003	0K-5M	Rs.78,000/-	Rs.24,96,000/-	Amrawali Khera
Ex.P-3	461/30.06.2003	0K-10M	Rs.1,68,000/-	Rs.26,88,000/-	Amrawali Khera

The record reflects that no sale exemplar pertaining to the revenue estate of village Amrawali Khera was brought on record by the respondent(s)/State.

[10]. From the above table, it can be discerned that the sale instance dated 30.06.2003 (Ex.P-3) produced by the appellant(s)/landowner(s) pertained to the period post notification under Section 4 of the 1894 in the case(s) in hand, thus finding merit in the contention raised on behalf of the respondent/State to the aforesaid effect, the said sale instance (Ex.P-3) is discarded from the zone of consideration. As per the other remaining two sale instances dated 22.05.2001

(Ex.P-1) and 27.02.2003 (Ex.P-2) which are prior to the notification under Section 4 of the 1894 Act, pertaining to the same revenue estate of village Amrawali Khera, the market value per acre is around Rs.24 lakhs.

[10.1]. According to the official, who is present in Court along with learned State counsel, the land parcel forming part of the sale instances dated 22.05.2001 (Ex.P-1) and 27.02.2003 (Ex.P-2) are located on the Jamni-Pillu Khera village road leading from Jind to Safidon road and are related to commercial establishments and thus, the said parcels forming part of sale instances possessed distinct locational advantage and potential value *vis-a-vis* the acquired land. In the absence of any site plan placed on record by either party to demonstrate the comparative location of the land comprised in the sale instances dated 22.05.2001 (Ex. P-1) and 27.02.2003 (Ex. P-2) in comparison to the acquired land, the information furnished by the official needs to be accepted at its face value.

[10.2]. However, it needs to be kept in mind that the land parcel forming part of sale instances dated 22.05.2001 (Ex.P-1) and 27.02.2003 (Ex.P-2) pertain to the same revenue estate of village Amrawali Khera wherein the acquired land is situated and the total land acquired is only 14 Kanals and 14 Marlas. In such circumstances, the sale instance dated 27.02.2003 (Ex.P-2) vide which 05 Marlas of land was alienated with the base price of Rs.24,96,000/- per acre owing to its comparative area; closer proximity in time to the acquisition, and the highest rate reflected therein; being the best suitable sale exemplar needs to be relied upon for the purpose of determination of market value of the acquired land in the case(s) in hand. My aforesaid view is derived from latest exposition of law laid down by the Hon'ble Apex Court in the case of ***Horrmal Vs. State of Haryana***, reported as ***2024(4) R.C.R. (Civil) 758*** as per which the highest valued sale exemplar needs to be relied upon while assessing the market value in compulsory land acquisition cases. Relevant portion thereof is extracted hereunder:-

> *"27. In the instant case, there are multiple sale deeds of smaller plots, and these represent the best available evidence for estimating compensation. Since there is no legal impediment to considering such sale deeds, the logical progression in the compensation estimation process would be to identify the most suitable sale deed(s) for determining the market value and subsequently, to apply adequate deductions on the same. The solution to this state of flux may thus be found in the case of* ***Mehrawal Khewaji Trust v. State of Punjab, (2012) 5 SCC 432*** *where this Court laid down as follows:*
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> *"....It is clear that when there are several exemplars with reference to similar lands, it is the general rule that the highest of the exemplars, if it is satisfied that it is a bona fide transaction, has to be considered and accepted. When the land is being compulsorily taken away from a person, he is entitled to the highest value which similar land in the locality is shown to have fetched in a bona fide transaction entered into between a willing purchaser and a willing seller near about the time of the acquisition."*
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> *28. This view has been reiterated in* ***Sh. Himmat Singh v. State of M.P., (2013) 16 SCC 392*** *where a three-judge bench of this Court consolidated various precedents to affirm that in circumstances where there are multiple sale deeds available for consideration, the Court shall rely on the highest valued exemplars unless the prices fall within a narrow range, in which case calculating an average of the values therein may be more congruous."*

[10.3]. Pertinently, the market value is being reassessed in respect of the acquired land situated in the revenue estate of village Amrawali Khera, which is a rural area (a village and not of any town or city), yet, in view of the locational and potential difference between the land parcels forming part of the aforementioned sale instances dated 27.02.2003 (Ex.P-2) *viz-a-viz* the acquired land also and the smallness of the land parcel involved in the said sale instance, a deduction @ 80% over the base price of Rs.24,96,000/- per acre derived therefrom needs to be applied, which thus comes to Rs.4,99,200/- per acre.

[11]. Further, 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 Siwaha Minor"* as such, the respondent/State neither suffered any loss towards optimum utilization of the area acquired nor did it incur expenditure towards providing of additional infrastructural amenities thus, no cut towards development costs needs to be imposed.

[12]. Accordingly, the market value for the land under acquisition is assessed @ **Rs.4,99,200/- 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 besides award of interest thereupon.

[13]. In the present case(s), the acquisition been carried out for the public purpose, namely, *"for the construction of Siwaha Minor",* which thus resulted into bifurcation of land owned by the appellant(s)/landowner(s) as some part of it came on the other side of minor. In such circumstances, the appellant(s)/landowner(s) are bound to suffer loss towards cultivation of land besides causing them inconvenience towards connectivity of the two parcels left on either side of the minor. Moreover, severance also causes reduction in value of remaining land due to alteration in access, useability, irregularity of shape and loss of agricultural viability etc., as such, it would be appropriate to award damages against severance of land in favour of the appellant(s)/landowner(s) @ 25% of the market value as assessed by this Court.

[14]. Consequently, in view of the discussion made hereinabove, the appeal(s) preferred at the instance of appellant(s)/landowner(s) are hereby partly allowed in the aforesaid terms and the appeal(s) filed by the respondent/State are hereby 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

April 23, 2026
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Whether speaking/reasoned Yes/No
Whether reportable Yes/No