



110 (5 cases)

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****RFA No. 4561 of 2008 (O&M)
and “04” connected cases
Date of Decision: 05.05.2026**

Hardwari Lal and others

...Appellants

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rajesh K. Sheoran, Advocate with
Mr. Hardeep Singh Poonia, Advocate
for the appellant(s)-landowner(s)
(in RFA Nos. 4561 & 5273 of 2008; 1346 & 1347 of 2009)

Mr. Anil Ghanghas, Advocate
for the appellant(s)-landowner(s)
(in RFA No. 1681 of 2009)

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

HARKESH MANUJA, J. (ORAL)

This order shall dispose off the present five (05) appeals bearing RFA Nos. **4561 (lead case)** & 5273 of **2008**; 1346, 1347 & 1681 of **2009**; as the same arise out of common acquisition / award.

[2] In all appeals, the appellant(s)-landowner(s) are seeking further enhancement of compensation for the acquired land.

[3] In two appeals bearing RFA No. 4561 of 2008 and RFA No. 1681 of 2009, preferred under Section 54 of the Land Acquisition Act, 1894 (**for short “1894 Act”**), the appellant(s)-landowner(s) seek modification of the award(s) dated 06.02.2008

passed by the learned Additional District Judge-II, Bhiwani (hereinafter to be referred as “Reference Court”), whereas in three appeals bearing RFA Nos. 5273 of 2008; 1346 & 1347 of 2009, they seek modification of the award dated 07.04.2008 passed by the learned Reference Court for enhancement of compensation amount.

FACTS

[4] The relevant date(s) / particulars of the acquisitions are as under:-

Particulars	Relevant date / description
In two appeals bearing RFA No. 4561 of 2008 and RFA No. 1681 of 2009	
Notification under Section 4 of the Land Acquisition Act, 1894	08.10.2004
Final declaration under Section 6 of the Land Acquisition Act, 1894	14.01.2005
Total Extent acquired	9.93 (79 Kanal 9 Marla)
Village	Rupana
Had Bast No.	59
Tehsil & District	Siwani & Bhiwani
Public Purpose	Construction of road from Siwani to Talwandi Badshahpur
Land Acquisition Collector’s Award No. & Date	2B dated 26.07.2005
Land Acquisition Collector’s Award	Rs. 5 lakhs per acre for the land besides other statutory benefits under the 1894 Act
Reference Court’s Awards date	06.02.2008
Reference Court’s Award	Partly allowed to the extent that the landowners were entitled for interest at the rate of 9% per annum from the date of taking of the possession of the land till the date of the payment on solatium
In three appeals bearing RFA Nos. 5273 of 2008 ; 1346 & 1347 of 2009	
Notification under Section 4 of the Land Acquisition Act, 1894	08.10.2004
Final declaration under Section 6 of the Land Acquisition Act, 1894	14.01.2005
Total Extent acquired	2.33 acre
Village	Rupana
Hadbast No.	59
Tehsil & District	Siwani & Bhiwani
Public Purpose	Construction of road from Rupana to Khera

Land Acquisition Collector’s Award No. & Date	1B dated 26.07.2005
Land Acquisition Collector’s Award	Rs. 5 lakhs per acre for the land besides other statutory benefits under the 1894 Act.
Reference Court’s Award date	07.04.2008
Reference Court’s Award	Partly allowed to the extent that the landowners were entitled for interest at the rate of 9% per annum from the date of taking of the possession of the land till the date of the payment on solatium besides they are entitled to additional interest at the rate of 12% per annum from the date of taking over the possession of the land vide notification under Section 4 dated 19.10.2004, till the date of payment.

[5] Dissatisfied with the aforesaid awards dated 06.02.2008 & 07.04.2008 passed by the learned Reference Court, the present appeal(s) have been preferred at the instance of appellant(s)-landowner(s).

CONTENTION(S):

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

[6] Impugning the aforesaid Reference Court’s awards dated 06.02.2008 & 07.04.2008, the short point raised on behalf of the appellant(s)-landowner(s) is that though the possession of the subject land was taken over by the respondents in the year 1980-81 and a road was constructed thereupon, however, it was only in terms of the judgment and decree dated 29.05.1998 passed by the Court of learned Additional Civil Judge (Sr. Division), Siwani that the process of acquisition was initiated. It was thus submitted that the appellant(s)-landowner(s) were entitled for award of benefit in terms of Section 34 of the 1894 Act from the date of taking over the possession of the subject land till the date of passing of the award. Therefore, learned counsel for the appellant(s)-landowner(s)

submit(s) that the said claim raised by the appellant(s)-landowner(s) was wrongly declined by the learned Reference Court having ignored the material available on record.

No other point has been raised on behalf of the appellant(s)-landowner(s).

ON BEHALF OF RESPONDENT(S)-STATE OF HARYANA

[7] On the other hand, learned counsel representing the respondents-State of Haryana submits that the appellant(s)-landowner(s) never raised any plea in their reference petition(s) to the effect that the possession of the subject land was taken over in the year 1980-81. He also submits that there was no evidence available on record to establish the said fact. He further contends that the statement made by Sh. C.K. Jain, SDO, Siwani in Civil Suit (Case No. 26-C) dated 15.02.1997 filed by the appellant(s)-landowner(s) before the Court of learned Additional Civil Judge (Sr. Division), Siwani, District Bhiwani was never proved on record in the present reference and thus, was not to be considered as part of evidence and in such circumstances, the claim made by the appellant(s)-landowner(s) was never established on record and as such, the appeal(s) in hand were liable to be dismissed.

DISCUSSION AND REASONING

[8] After hearing learned counsel for the parties and having gone through the paper-book / records, I find substance in the submission(s) made on behalf of the appellant(s)-landowner(s).

[9] In the given facts and circumstances, it is not disputed that the acquisition proceedings were carried out in terms of

notification dated 08.10.2004 issued under Section 4 of the 1894 Act; followed by notification dated 14.01.2005 issued under Section 6 thereof pertaining to the land forming part of the revenue estate of Village Rupana, Tehsil Siwani, District Bhiwani in terms of judgment and decree dated 29.05.1998 passed in Civil Suit / Case No. 26-C, dated 15.02.1997, titled "*Juglal and others Versus Haryana State through Collector, Bhiwani and others*", wherein a decree for mandatory injunction was passed in favour of the appellant(s)-landowner(s) holding them entitled for compensation of the land as per their shares; the same been utilized for construction of road-*Rasta Sare Aam*.

[10] In the humble opinion of this Court, no merit can be found in the submission(s) made on behalf of the respondent that the statement of Sh. C.K. Jain, SDO, Siwani recorded on 29.05.1998 in Civil Suit (Case No. 26-C) dated 15.02.1997 been produced on record in the reference petition in question as Exhibit P-2 was not to be read as part of evidence. At the time of production of the statement dated 29.05.1998 (Exhibit P-2) by the appellant(s)-landowner(s) on 06.02.2008, the same was tendered in evidence by the learned counsel representing them before the learned Reference Court and no objection either to the admissibility of the said statement or even regarding mode of proof thereof was ever raised by the respondents.

[11] It may also be noticed here that in proceedings relating to the determination of market value arising out of the provisions of the 1894 Act, neither the strict principles of pleadings as provided

under the Code of Civil Procedure, 1908 nor even the technical aspects of Indian Evidence Act, 1872 are to be strictly followed. In such circumstances, the learned Reference Court was required to take into account the statement dated 29.05.1998 made by Sh. C.K. Jain, SDO, Siwani in the Civil Suit (Case No. 26-C) dated 15.02.1997, been taken on record in the reference petition as Exhibit P-2 especially when the same was never rebutted by the respondents. From the perusal of the said statement, it was evident and established that a road was built over the subject land wayback in the year 1980-81. For reference, the statement / examination-in-chief of Sh. C.K. Jain, SDO, Siwani, recorded in Hindi before the learned Additional Civil Judge (Sr. Division), Siwani, after translating the true version in English, is extracted hereunder:-

“ Stated that department constructed the road on the disputed land in 1980-81 before consolidation (Chakbandi). The disputed road is a thoroughfare. At the time of constructing the road, no resolution was passed by the Gram Panchayat Rupana, rather, the road was constructed in public interest as demand of public. I do not have knowledge about the ownership because when the consolidation took place in the village, it was a thoroughfare. During the construction of the road and even after passage of considerable time, the petitioners did not submit any application regarding compensation. In the year 1994, the petitioners submitted to the department regarding compensation of the disputed land itself and the reply to this effect was given by the department to XEN & E, which is Ex. D1. The department did not provide any compensation. The compensation was not given because this road was lying constructed before the

consolidation. The department has been under continuous possession for about 18 years. The petitioners are not entitled to take the compensation. The petitioners are not entitled to file suit. The suit of the petitioners be dismissed."

[12] Moreover even RW-1, namely, Sh. Dalbir Singh, Additional SDO, PWD B&R, Siwani, District Bhiwani, while appearing before the learned Reference Court went on to admit that the construction of road in question was started in the year 1980.

[13] In view of the above evidence available on record, the learned Reference Court went wrong having rejected the claim made by the appellant(s)-landowner(s) with respect to grant of the benefit under Section 34 of the 1894 Act from the date of taking over the possession of the land till the date of passing of the award and the amount thus needs to be calculated at the rate of 12% per annum on the market value from the date of taking over the possession of land till the date of payment made to the appellant(s)-landowner(s).

[14] As discussed hereinabove, although the road was built over the subject land in the year 1980-81, however, no specific date of taking over the possession of the subject land is coming forth, as such, in the given facts and circumstances, to balance the equities, the date for grant of interest to the appellant(s)-landowner(s) is taken w.e.f. 01.01.1982 and statutory interest 34 of the 1894 Act is ordered in their favour from the date of taking over

the possession of the subject land till the date of actual release of amount after adjusting the amount already paid to them.

[15] Also, wherever the landowner(s) has/have unfortunately died in the appeal(s) / cross-objection(s) after filing thereof and the legal representatives 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 the appeals are **disposed off** accordingly.

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

May 05, 2026
‘dk kamra’

(HARKESH MANUJA)
JUDGE

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