



185 (18 cases)

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

**RFA No. 1155 of 2007 (O&M)
and “17” connected cases
Date of Decision: 08.05.2026**

State of Haryana

...Appellant

Versus

Karam Chand

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

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

Mr. Suresh Ahlawat, Advocate, for the landowners
(Appellants in RFA Nos. 1723, 2191 to 2195, 3193, 3194
of 2007; and 718 of 2008).

HARKESH MANUJA, J. (ORAL)

This order shall dispose off the present eighteen (18) appeals bearing RFA Nos. **1155 (lead case)**, 1156, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1723, 2191, 2192, 2193, 2194, 2195, 3193, 3194 of **2007**; and 718 of **2008**; 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. 1155 of 2007, the appeal filed by the State of Haryana.

[3] The appellant-State of Haryana, by instituting the appeal bearing RFA-1155-2007, preferred under Section 54 of the Land Acquisition Act, 1894 (**for short “1894 Act”**), seeks setting aside of an award dated 16.01.2007 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 26.03.2000, followed by Notification dated 30.08.2000 under Section 6 thereof, certain land of the respondent(s)-landowner(s), situated within the revenue estate of Village Sirsa Kheri, Tehsil Julana, District Jind, was acquired. The acquisition of the land was carried for public purpose, namely, “*Construction of Shadipur Minor*”. The LAC vide Award dated 20.04.2001, assessed the market value @ Rs. 1,50,000/- per acre for Nahri land 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 16.01.2007, while enhancing the market value for Nahri 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/- 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/- 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. 3,00,000/-, no interference is called for in the award dated 16.01.2007 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 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 08, 2026
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(HARKESH MANUJA)
JUDGE

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