2026:PHHC:013231

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

Decided on:-28.01.2026

1. RFA-2219-2009 (O&M) with XOBJ-85-CI-2014 (O&M)

State of Haryana and another ....Appellants.

vs.

Hari Kishan and others ....Respondents.

2. RFA-2220-2009 (O&M)

State of Haryana ....Appellant.

vs.

Surjan and another ....Respondents.

3. RFA-2221-2009 (O&M) with XOBJ-16-CI-2014 (O&M)

State of Haryana and another ....Appellants.

vs.

Kabool Singh ....Respondent.

4. RFA-2222-2009 (O&M)

State of Haryana ....Appellant.

vs.

Deepak and others ....Respondents.

5 RFA-2223-2009 (O&M)

State of Haryana and another ....Appellants.

vs.

Tek Ram and others ....Respondents.

6. RFA-2224-2009 (O&M) with XOBJ-96-CI-2014 (O&M)

State of Haryana and others ....Appellants.

vs.

Maal Bai and others ....Respondents.

7. RFA-2225-2009 (O&M)

State of Haryana and others ....Appellants.

vs.

Rohtash Singh and another ....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Abhinash Jain, DAG, Haryana.

Mr. S.P. Chahar, Advocate,
for the respondents (in RFA-2223-2009) and
for respondent No.2 (in RFA-2225-2009).

Mr. Sat Narain Yadav, Advocate,
for the landowner-cross-objector.

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HARKESH MANUJA J. (Oral)

1. Vide this common judgment, the aforementioned 07 Regular First Appeals along with three cross-objections are being decided as all have arisen out of the same award and involve common question of facts and law.

1.2 For convenience, the facts are being taken from RFA-2219-2009 (O&M).

2. By way of present appeal, challenge has been laid to an award dated 19.01.2009 passed by the Court of learned Additional District Judge, Jhjjar, whereby, reference petition(s) filed at the instance of respondents-landowners invoking Section 18 of the Land Acquisition Act, 1894 (herein-after to be called as “the 1894 Act”), stand partly allowed.

2. Brief facts of the case are that land measuring 3.27 acres owned by the respondent(s)-landowner(s), situated in the revenue estate of Village

Pataudа, Hadbast No. 249, Tehsil and District Jhajjar, was acquired vide notification dated 12.07.2000 (published on 14.07.2000) and notification dated 20.03.2001 (published on 21.03.2001), under Sections 4 & 6 respectively of the 1894 Act, for the public purpose, namely, constructing Khera Sub Minor. The Land Acquisition Collector passed the Award on 21.02.2002 granting the market price of the acquired land @ Rs.1,15,000/- per acre for *nehri/chahi* land and Rs.90,000/- per acre for *barani/bhood* land.

3. Aggrieved of the award passed by the Land Acquisition Collector, the respondents-landowners invoked seperate reference petition (s) under Section 18 of the 1894 Act, seeking enhancement of compensation. Upon consideration of the material available on record, the Reference Court vide its award dated 19.01.2009, partly accepted the reference petition(s) by applying thumb rule and re-assessed the market value of the acquired land @ Rs.2,50,000/- per acre for *nehri/chahi* land and Rs.2,00,000/- per acre for *barani/bhood* land along with other statutory benefits.

4. Dissatisfied with the aforesaid award, appellant-State as well as respondents filed the aforementioned appeals and cross-objections.

5. I have heard learned counsel for the parties. I am unable to find substance in the submissions made on behalf of the appellant-State.

6. A perusal of record shows that vide notification dated 12.07.2000 issued under Section 4 of the 1894 Act, 3.27 acres of land situated within the revenue estate of Village Pataudа, Tehsil and District Jhajjar was acquired for public purpose namely, for constructing Khera Sub Minor and award was passed by the Land Acquisition Collector on 21.02.2002 while assessing the market value @ Rs.1,15,000/- per acre for *nehri/chahi* land and Rs.90,000/- for *barani/bhood* land. Upon

re-assessment, the learned Reference Court granted the market value vide its award dated 19.01.2009 @ Rs.2,50,000/- per acre for *nehri/chahi* land and Rs.2,00,000/- per acre for *barani/bhood* land. It has been established on record from the available evidence that the acquired land formed part of national capital region and was having potential for being used for residential and industrial purposes. This fact was even admitted by own witness of appellant-State namely Surender Singh Dahiya, Sub-Divisional Officer Patodi, Water Services, Sub-Division Patodi, who appeared as RW-2 before the learned Reference Court. The cross-examination of the aforesaid witness is extracted hereunder:-

> *"It is incorrect to suggest that usual leave vendees in order to save stamp duty mentions less price in the sale deed. It is correct that in the year 2005 government as fixed land price as per notification exhibit PX. It is incorrect to suggest that low price has been assessed and paid of the acquired land to the petitioners. It is correct that the acquired land fall in the national capital region and in Jhajjar District and the land can use for industrial and residential purpose. I do not know whether the underground water of the acquired land is sweet or not. The current of land is nehri as well as chahi. It is iincorrect to suggest that market value of the land was not less than 10 lacks per acre at the time of acquisition."*

6.1 Further, from perusal of the document dated 06.04.2007 (Ex.PX) which relates to fixation of floor rates for acquisition of land for public purpose in the State of Haryana, it can be discerned that previously on 28.04.2005, the floor rates were fixed in the following manner:-

"i) Minimum floor rate for urbanisable area of Gurgaon	*Rs.15.00 lacs per acre*
ii) Minimum floor rate for rest of the Haryana Sub-Region of NCR including Panchkula and area of Chandigarh pheriphery in the Haryana State	*Rs.12.50 lacs per acre*
Iii) Minimum floor rate for the rest of the Haryana State	*Rs.05.00 lacs per acre*

The aforesaid rates were revised on 06.04.2007 to the following effect:-

"i) Minimum floor rate for urbanisable area of Gurgaon	*Rs.20.00 lacs per acre*
ii) Minimum floor rate for rest of the Haryana Sub-Region of NCR including Panchkula and area of Chandigarh pheriphery in the Haryana State	*Rs.16.00 lacs per acre*
Iii) Minimum floor rate for the rest of the Haryana State	*Rs.08.00 lacs per acre*

6.2. The factum of above mentioned notification dated 06.04.2007 (Ex.PX) has duly been admitted by RW-2 Surender Singh Dahiya, SDO Pataudi, Water Services, Sub-Division Pataudi in his deposition (Ex.RW2/A). From the notification dated 06.04.2007, it can be traced out that the minimum floor rates of rest of the Haryana Sub-Region of NCR, excluding Gurugram was fixed @ Rs.12.50 lakhs per acre as on 28.04.2005 and the same was thus even applicable to village Patauda, Tehsil and District Jhajjar, which formed part of NCR. The floor rate of Rs.12.50 lakhs per acre was further enhanced to Rs.16 lakhs per acre vide notification dated 06.04.2007 by applying appreciation of 14% per year. In such circumstances, in case the doctrine of de-escalation of 15% per annum was applied by taking base value of the land under acquisition as on 28.04.2005 to be Rs.12.50 lakhs per acre from the date of notification i.e. 12.07.2000, the value of the land under acquisition as on the date of notification issued under Section 4 of the 1894 Act, comes to Rs.3,12,500/- per acre. Thus, in view of the discussion made hereinabove, the respondents/cross-objectors shall be entitled for enhancement of market value @ Rs.3,12,500/- per acre alongwith all other statutory benefits.

7. At this stage, it may be relevant to mention here that though some of the respondents-landowners in the present case have not approached this Court by way of filing any appeal or cross-objections for seeking further enhancement of compensation, however, in the wake of enhancement been awarded by this Court in favour of similarly situated landowners, in relation to the same acquisition proceedings, it would be a travesty of justice, in case, the powers under Order 41 Rule 33 CPC are not invoked and similar enhancement is not awarded in favour of the respondents-landowners being identically placed. Reliance in this regard can be placed upon the judgment rendered by the Hon'ble Apex Court in ***"Pralhad and others vs. State of Maharashtra and another",*** reported as ***2010(3) Apex Court Judgments (SC) 653*** and relevant paragraphs thereof are reproduced hereunder:-

> *"20. In Vanarsi v. Ramphal, AIR 2004 Supreme Court 1989, this Court construing the provisions of Order 41 Rule 33 of Civil Procedure Code held that this provision confers powers of the widest amplitude on the appellate court so as to do complete justice between the parties. This Court further held that such power is unfettered by considerations as to what is the subject matter of appeal or who has filed the appeal or whether the appeal is being dismissed, allowed or disposed of while modifying the judgments appealed against. The learned Judges held that one of the objects in conferring such power is to avoid inconsistency, inequity and inequality in granting reliefs and the overriding consideration is achieving the ends of justice. The learned Judges also held that the power can be exercised subject to three limitations: firstly, this power cannot be exercised to the prejudice of a person who is not a party before the Court; secondly, this*

> *power cannot be exercised in favour of a claim which has been given up or lost; and thirdly, the power cannot be exercised when such part of the decree which has been permitted to become final by a party is reversed to the advantage of that party. (See para 15 at pg. 1997).*

Furthermore, the aforementioned decision was followed by Hon'ble Division Bench of Madras High Court in case of ***"P.R. Srinivasan vs. The Special Tahsildar, Adi-Dravidar Welfare Department, Tirupattur"*** *reported as* ***2013(20) RCR (Civil) 624***. Relevant paragraph thereof is reproduced hereunder:-

> *"14. The ratio laid down in the above decision squarely applies to the case on hand. Once the Court has taken the view that claimant is entitled to enhanced compensation, he should not be denied the same on the mere technical grounds of non-filing of the appeal by the claimant. Notwithstanding that the claimant has not preferred any appeal, to award fair and adequate compensation to the claimant, this review application has to be allowed."*

8. Accordingly, all the landowners shall be entitled for benefit of award of enhanced uniform market value at the rate of Rs.3,12,500/- per acre as no belting method was applied by the appellant(s)-State while issuing notification dated 28.04.2005 or while fixing the floor rate of the area concerned. The respondents-cross-objectors/landowners shall also be entitled for award of all other statutory benefits and interest under the 1894 Act besides, grant of interest on solatium as well.

9. In view of the aforesaid discussion, the appeals filed at the instance of State are hereby dismissed, whereas, the cross objections filed at the instance of landowners are partly allowed.

10. Further, in case of unfortunate demise of any of the respondents-

landowners, if the legal heir(s)-legal representative(s) have not been brought on record, they shall be entitled for filing exemption applications in their own names being legal heirs or legal representatives of the deceased-landowners; subject of course to any testamentary document created by the deceased.

11. Pending application(s), if any shall also stand disposed of.

28.01.2026 **(HARKESH MANUJA)**
sonika **JUDGE**

Whether speaking/reasoned: Yes
Whether reportable: Yes