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RFA Nos.2519 of 2009 (O&M) with other connected cases

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RFA No.2519 of 2009 (O&M)
with other connected cases
Date of Decision: 05.05.2026

MAHIPAL AND ORS.

.....Appellants

Vs

STATE OF HARYANA AND ORS.

...Respondent(s)

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

Present: Mr. Praveen Bhadu, Advocate
for the appellants/landowners.

Mr. Abhinash Jain, D.A.G., Haryana.

HARKESH MANUJA, J. (Oral)

[1]. Vide this common order, RFA Nos.2519 & 1957 of 2009; 1431, 1432 and 372 to 378 of 2008 are being decided as the same have arisen out of common acquisition/Award involving identical facts and question of law. For the sake of brevity, facts are being taken from RFA No.2519 of 2009.

[2]. By way of present appeal(s), challenge has been laid to the Award dated 30.08.2007 passed by the learned Addl. District Judge, Gurgaon (now Gurugram) (hereinafter to be referred as the '*Reference Court*').

[3]. Briefly stating, in the present case(s), certain land owned by the appellants/landowners, situated within the revenue estates of villages Jasat, Chilllarki and Mangwaki, Tehsil Pataudi, District Gurugram was acquired vide Notifications dated 12.07.2000 and 20.03.2001 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 Gurana Sub Minor*". Separate Awards

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under Section 11 of the 1894 Act were passed by the Land Acquisition Collector (for short 'the LAC') on 29.10.2002 in respect of the aforementioned villages, whereby market value of the acquired land was assessed @ Rs.2,20,000/- per acre for *Chahi* land along with all other statutory benefits and interests provided under the 1894 Act.

[4]. Dissatisfied with the Award passed by the LAC, the appellants/landowners invoked Reference under Section 18 of the 1894 Act, which came to be partly allowed by the learned Reference Court vide its award dated 30.08.2007, while granting them enhanced compensation @ Rs.9,00,000/- per acre against acquisition of their land forming part of revenue estates of villages Jasat, Chillarki and Mangwaki, besides awarding all other statutory benefits/interest in their favour under the 1894 Act. Aggrieved thereof, the present appeals were preferred at the instance of landowners.

CONTENTION(S):

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

[5]. Impugning the aforesaid Award, learned counsel for the appellants/landowners submits that the learned Reference Court failed to take into account the sale deed dated 19.10.1981 (Ex.P-2) vide which 01 Marla of land situated within the revenue estate of village Noorgarh was sold for Rs.7200/- with base price of Rs.11,52,000/- per acre.

[5.1]. Learned counsel also points out that for the time gap between the date of sale i.e. 19.10.1981 till the date of Notification issued under Section 4 of the 1894 Act, in the present case(s) i.e. 12.07.2000, a suitable appreciation over the base price per acre derived from the aforementioned sale deed dated 19.10.1981

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(Ex.P-2) was required to be applied, and accordingly, the market value ought to be re-assessed in favour of the appellants/landowners. No other argument has been raised on behalf of the appellant(s)/landowner(s).

ON BEHALF OF THE RESPONDENT(S):-

[6]. Per contra, learned State counsel submits that the award passed by the learned Reference Court was based upon proper appreciation of the pleadings and evidence available on record. He thus submits that the learned Reference Court already awarded market value at an excessive rate of Rs.9,00,000/- per acre in favour of the appellants/landowners, which calls for no further enhancement and, thus prays for dismissal of the appeal(s). No other argument has been raised on behalf of the respondent/State.

DISCUSSION AND REASONING: -

[7]. I have heard learned counsel for the parties and gone through the paper book as well as records of the case(s).

[8]. In the facts and circumstances of the present case(s), the sale deed dated 19.10.1981 (Ex.P-2) vide which 01 Marla of land was sold for Rs.7200/- with base price of Rs.11,52,000/- per acre cannot be relied upon for the purposes of determination of market value as the same pertains to the revenue estate of village Noorgarh, whereas acquisition in the present case(s) relates to three different revenue estates of villages Jasat, Chilllarki and Mangwaki, Tehsil Pataudi, District Gurugram. As such, the said sale instance dated 19.10.1981 (Ex.P-2) cannot be considered for the purpose of re-assessment of market value and needs to be discarded.



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[9]. No other evidence was adduced by the appellants/landowners to substantiate the plea of enhancement of the market value in the case(s) in hand. In such circumstances, where the parties were not able to place on record any cogent and reliable evidence warranting any interference with the assessed market value, this Court would not be justified in enhancing compensation merely on the basis of conjectures, surmises, or hypothetical assumptions.

[10]. Accordingly, the impugned award passed by the learned Reference Court being based on proper appreciation of material available on record while re-assessing the uniform market value @ Rs.9,00,000/- per acre for the revenue estates of villages Jasat, Chilllarki and Mangwaki, Tehsil Pataudi, District Gurugram calls for no interference.

[10.1]. One more grouse raised on behalf of the appellants/landowners is to the effect that at the time of passing of Award Nos.40-G, 41-G and 42-G dated 29.10.2002 pertaining to the acquisition in hand, it was noticed by the then Land Acquisition Officer that the value of the structures/tubewells was not assessed by the concerned Executive Engineer, Gurugram and no award in respect thereof was passed.

[11]. Learned State counsel has not been able to apprise this Court as to whether any supplementary award with respect to the structures/tubewells was ever passed by the LAC at any subsequent stage in respect to the acquisition in hand.

[12]. In such circumstances, in case any such supplementary award has been passed by the LAC, a copy of the same be supplied to the appellants/landowners along with the requisite amount of compensation with upto date interest thereupon within a period of 30 days from the date of receipt of



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certified copy of this order. In case, no supplementary award has been passed, the same be passed after affording opportunity of hearing to the landowners within two months from the date of receipt of certified copy of this order.

[13]. Let a copy of this order be forwarded to the office of concerned Land Acquisition Collector forthwith for necessary compliance.

[14]. Consequently, in view of the discussion made herein above, all the appeals preferred at the instance of appellants/landowners are disposed of.

[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.

May 05, 2026
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No