2026:PHHC:039713

129(34 cases) **IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

RFA-4493-2009 (O&M)
Decided on:-13.03.2026

Haryana State thr. Collector, Hisar and others ….Appellants.

vs.

Mahender Singh and others ….Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Abhinash Jain, DAG, Haryana.

Mr. A.K. Singh Goyat, Advocate,
for the landowners.

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HARKESH MANUJA J. (Oral)

1. Vide this common judgment, batch of total 34 connected Regular First Appeals are being decided as all have arisen out of the same award. The details of the connected cases are given in the footnote of the judgment.

1.2 For convenience, the facts are being taken from RFA-4493-2009 (O&M).

2. By way of present appeal, challenge has been laid to an Award dated 01.04.2009 passed by the Court of learned Additional District Judge, Hisar (for short, ***"the Reference Court")***, whereby, reference petition(s) preferred at the instance of landowner(s) invoking Section 18 of the Land Acquisition Act, 1894 (for brevity, ***"1894 Act"***), were partly accepted.

3. Brief facts of the case are that some land owned by the landowner(s), situated in the revenue estate of villages Dhani Gujran and Dhani Thakria, Tehsil Hansi, the then District Hisar, was acquired vide notifications dated 23.04.2002 and 21.06.2002, issued under Sections 4 & 6 respectively of the 1894 Act. The total land under acquisition was 14.05 acre. The acquisition was for the public purpose, namely, *"for construction of Depal Sub Minor"*. The Land Acquisition Collector (for short, "the LAC") vide its Award No.LA/3H dated 29.08.2002, assessed the market value of the acquired land @ Rs.2,25,000/- per acre for *nehri* land and Rs.6,70,000/- per acre for *gair mumkin* land alongwith all other statutory benefits under the 1894 Act.

4. Aggrieved of the same, the landowner(s) invoked separate reference petition(s) under Section 18 of the 1894 Act, seeking enhancement of compensation. Upon consideration of the material available on record, the learned Reference Court vide its decision dated 01.04.2009, enhanced the market value of the acquired land classified as *Nehri*, to the tune of Rs.3 lakhs per acre alongwith all other statutory benefits under the 1894 Act. However, the learned Reference Court upheld the market value @ Rs.6,70,000/- per acre for the acquired land classified as *gair mumkin*, as assessed by the LAC.

5. Feeling dissatisfied with the aforesaid decision of the learned Reference Court, the State as well as landowner(s) preferred the present appeals/cross appeals, details of which are mentioned in the footnote of the judgment.

6. Impugning the aforementioned award, learned counsel

appearing on behalf of the appellant-State of Haryana submits that though it was established that the land parcel forming part of sale deed dated 19.04.1999 (Ex.P-1) was part of the acquired land, however, no uniform market value could be awarded by relying upon the same for the entire chunk which measures 14.05 acres, especially, when the land parcel forming part of sale deed Ex.P-1 was located in close geographical proximity to the main road from Puthi to Rohnat. He further submits that sale deed dated 19.04.1999 (Ex.P-1) pertained to small parcel of land measuring 1 kanal and thus, a suitable deduction was to be made towards smallness of area involved therein.

6.1 Learned counsel also points out that the present was not a case where the acquisition resulted into bifurcation of the land holdings and as such, the landowners were not entitled for award of damages towards severance. He submits that the learned Reference Court erred having relied upon sale instance dated 19.04.1999 (Ex.P-1) and applying 10% appreciation thereupon for determination of market value. He thus, submits that the award passed by the learned Reference Court was liable to be set aside and that by the LAC was to be restored by allowing the appeals preferred at the instance of State.

7. On the other hand, learned counsel for the landowners submits that though the learned Reference Court rightly relied upon the sale instance dated 19.04.1994 (Ex.P-1) pertaining to the revenue estate of Village Dhani Gujran, however, erred in applying deduction of 25-30 % to the base price per acre thereof, for determining the market value of the acquired land located beyond the road. Learned counsel points out that in fact, the land

parcel forming part of sale instance dated 19.04.1999 (Ex.P-1) itself formed part of the acquired land and thus, no such deduction was required to be applied, especially when the entire acquired land was one compact block of around 14 acres.

7.1 Learned counsel further submits that the appreciation granted @ 10% per annum by the learned Reference Court was inadequate as the landowners were entitled to the benefit of appreciation @ 15% per annum on the base price per acre derived from the sale instance dated 19.04.1999 (Ex.P-1) for the time gap between the same upto the date of notification under Section 4 of the 1894 Act in the case(s) in hand. He thus prays that the market value of the acquired land awarded in favour of the landowners was required to be re-assessed and enhanced accordingly.

7.2 Learned counsel further contends that the present acquisition resulted into bifurcation of the land holdings, thereby, resulting into loss towards cultivation of land and inconvenience towards connectivity thus, the landowners were required to be suitably compensated for the damages against severance.

8. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the appellants-landowners.

9. In the present case, the landowners proved on record the following two sale instances for the purpose of substantiating their claim towards enhancement of compensation:-

Date of sale deed/Exhibits	**Area in kanals and marlas**	**Sale consideration**	**Rate per acre**	**Revenue estate**
19.04.1999	1 kanal	Rs.45000/-	Rs.3,60,000/-	Dhani Gujran

(Ex.P-1)				
28.06.2002 (Ex.P3)	22 marla	Rs.89,500/-	Rs.6,50,909/-	Dhani Raju

10. A perusal of the above shows that the sale deed dated 28.06.2002 (Ex.P-3) pertained to the period post notification under Section 4 of the 1894 Act in the case(s) in hand thus, need not to be relied upon for the purpose of determination of market value. The sale instance dated 19.04.1999 (Ex.P-1) pertaining to 1 kanal of land with the base price per acre of Rs.3,60,000/- formed part of the same revenue estate of Village Dhani Gujran. Also, it is a matter of record that the land parcel forming part of sale instance dated 19.04.1999 (Ex.P-1) falling within rectangle No.735/15/1(4-12), was also a part of the acquired land in the case(s) in hand. Therefore, the sale deed dated 19.04.1999 (Ex.P-1) aptly reflecting the estimate of price a willing buyer is ready to give to a willing seller in the market at that relevant point of time, is the best suitable sale exemplar, therefore, needs to be relied upon for the purpose of determination of the market value for the entire chunk of the acquired land in the present case(s). Undisputedly, the revenue estates of Dhani Gujran and Dhani Thakria are abutting and adjoining. Moreover, the fact that the LAC in its award assessed uniform market value for the two revenue estates of Dhani Gujran and Dhani Thakria own its own goes to establish that the nature, kind and potential of land forming part of the said two estates is similar.

11. Further, taking into account that there exists a time gap of almost three years between the sale instance dated 19.04.1999 (Ex.P-1) and the notification under Section 4 of the 1894 Act issued on 23.04.2002 in the case(s) in hand, as such, upon application of appreciation @ 10%, over the

base price per acre of Rs.3,60,000/- derived from sale instance dated 19.04.1999 (Ex.P-1), the value comes to Rs.4,68,000/-.

12. Though, a plea has been raised by the counsel for appellant(s)-State that the base price derived from the sale instance dated 19.04.1999 (Ex.P-1) ought not be uniformly applied for assessing the market value of the entire acquired land measuring 14.05 acres, however, in the humble opinion of this Court, the said plea cannot be accepted. It may be noticed here that a perusal of the site plan (Ex.P-2) produced on record by the landowners established that a substantial portion of the land acquired for the purpose of construction of Depal Sub Minor, was just abutting and located in close proximity to the Puthi-Rohnat road. As such, the entire acquired land maintained uniformity towards its potential.

13. However**,** taking into account the fact that the sale instance dated 19.04.1999 (Ex.P-1) pertains to 1 kanal of land whereas, the total acquired land measures 14.05 acres, as such, a deduction of 10% towards smallness of area involved therein needs to be applied over the base price derived from the same. Accordingly, the market value of the acquired land classified as *Nehri* comes to Rs.4,21,200/- per acre. Since, the market value of the acquired land falling in the category of *gair mumkin* had rightly been assessed by the Courts below @ Rs.6,70,000/- per acre, therefore, the same requires no interference by this Court. The landowners shall also be entitled for all other statutory benefits and interest including the benefit of solatium and interest thereupon.

14. Furthermore, considering the fact the land in the present case(s) was acquired for the public purpose namely for "*construction of Depal Sub*

Minor" which definitely and conclusively dissects the land by bifurcating it into two parts, in such circumstances, the landowners are bound to suffer loss towards cultivation of land besides causing them inconvenience towards connectivity of the 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., thus, it would be appropriate to award damages against severance of land in favour of the landowners @ 20% of the market value as assessed by this Court, however subject to proof of loss by the landowners in the execution proceedings before the Executing Court.

15. In view of the aforesaid discussion, the appeals filed at the instance of landowner(s) are partly allowed, whereas, the appeals filed at the instance of State are hereby dismissed.

16. Further, in case of unfortunate demise of any of the 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.

17. Pending application, if any, also stands disposed of.

13.03.2026
sonika

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned: Yes
Whether reportable: Yes

Sr. No.	Case No.
1.	RFA-4494-2009 (O&M)
2	RFA-4495-2009 (O&M)
3	RFA-4496-2009 (O&M)

4	RFA-4497-2009 (O&M)
5	RFA-4498-2009 (O&M)
6	RFA-4499-2009 (O&M)
7	RFA-4500-2009 (O&M)
8	RFA-4501-2009 (O&M)
9	RFA-2819-2010 (O&M)
10	RFA-2820-2010 (O&M)
11	RFA-2821-2010 (O&M)
12	RFA-2822-2010 (O&M)
13	RFA-2823-2010 (O&M)
14	RFA-2824-2010 (O&M)
15	RFA-2825-2010 (O&M)
16	RFA-2826-2010 (O&M)
17	RFA-2827-2010 (O&M)
18	RFA-2828-2010 (O&M)
19	RFA-2829-2010 (O&M)
20	RFA-4502-2009 (O&M)
21	RFA-4503-2009 (O&M)
22	RFA-4504-2009 (O&M)
23	RFA-4505-2009 (O&M)
24	RFA-4506-2009 (O&M)
25	RFA-4507-2009 (O&M)
26	RFA-4508-2009 (O&M)
27	RFA-4509-2009 (O&M)
28	RFA-4510-2009 (O&M)
29	RFA-4616-2009 (O&M)
30	RFA-4617-2009 (O&M)
31	RFA-4644-2009 (O&M)
32	RFA-4659-2009 (O&M)
33	RFA-7157-2011 (O&M)

13.03.2026 **(HARKESH MANUJA)**
sonika **JUDGE**