

2026 PHHC 029677



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA-2605-2010 (O&M) and XOBJR-73-2025 (O&M)
and other connected cases

Date of Decision: February 20, 2026

HARYANA STATE AND ANR.

.....Appellants

Versus

BALBIR SINGH AND ORS.

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Abhinash Jain, DAG, Haryana.

Mr. Rajiv Sharma, Advocate for the landowners
in RFA-5501 to 5504 of 2010, RFA-5569 of 2010 and
RFA-6889-2011.

Mr. A.K. Singh Goyal, Advocate for the landowners
in RFA-2871 to 2884 of 2010, RFA-4933-2010 and
RFA-6958-2011.

HARKESH MANUJA, J. (ORAL)**CM-806-CI-2025**

This is an application for bringing on record the legal heirs of
respondent No.2 who has unfortunately died on 18.08.2016

For the reasons mentioned in the application, the same is
allowed, subject to all just exceptions and the applicants as mentioned in
paragraph 2 of application are ordered to be impleaded as legal
representatives of deceased-Dhupa-respondent No.2.

Amended memo of parties be taken on record.

CM-807-CI-2025

Allowed as prayed for, subject to all just exceptions. Amended
memo of parties is taken on record.

CM-814-CI-2025 in XOBJR-73-2025

This is an application seeking condonation of delay of 173 days in re-filing the cross-objections.

Having heard learned counsel for the parties and gone through the contents of the application which is supported by an affidavit, the same is allowed and delay of 173 days in re-filing the cross-objection is hereby condoned.

CM-815-CI-2025 in XOBJR-73-2025

This is an application seeking condonation of delay of 1 day in filing the cross-objections.

Having heard learned counsel for the parties and gone through the contents of the application which is supported by an affidavit, the same is allowed and delay of 1 day in re-filing the cross-objection is hereby condoned.

CM-816-CI-2025 in XOBJR-73-2025

Allowed as prayed for, subject to all just exceptions.

RFA-2605-2010 and XOBJR-73 of 2025

Vide this common order, a batch of 45 connected Regular First Appeals(s) and cross objection(s) shall stand disposed of, details whereof are mentioned in the footnote of the judgment. For convenience, the facts are drawn from RFA-2605-2010 and XOBJR-73-2025.

2. By way of present appeal(s), challenge has been laid to the judgment dated 02.09.2009 passed by the learned Additional District Judge, Hisar (for short 'Reference Court') whereby the reference petition filed under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act') by the respondents-landowners, seeking enhancement of compensation was partly allowed.

3. Briefly stating, certain land, situated within the revenue estate of village Umra, Tehsil Hansi, District Hisar, Hadbast No.119 was acquired for the public purpose, namely, for construction of Depal Sub Minor vide notifications dated 23.04.2002 and 21.06.2002 issued under Sections 4 and 6 respectively of the Act. The Land Acquisition Collector (for short 'LAC') passed Award No.4H dated 29.08.2002 assessing the market value at the rate of Rs.1,40,000/- per acre for *Nehri* land, along with other statutory benefits.

4. Aggrieved of the aforesaid award dated 29.08.2002, respondents-landowners sought reference under Section 18 of the Act pleading that the price of acquired land was not less than Rs.10,00,000/- per acre as the same was situated near to Hansi town and many factories were situated near the acquired land thus, having a high potential value.

5. Upon notice, the same was contested by the appellant-State by way of filing a written statement. It was pleading that the amount of compensation awarded by the LAC was just, reasonable, fair and adequate. Moreover, the factum of any factory been located near the acquired land was denied by the appellant-State.

6. On the basis of pleadings of the parties, the following issues were framed by learned Reference Court:-

"1. What was the market value of the acquired land on the date of publication of notification under Section 4 of the Land Acquisition Act, 1894? OPP

2. Relief."

7. After considering the evidence, the learned Reference Court, vide award dated 02.09.2009 enhanced the amount of compensation to Rs.2,75,000/- per acre.

8. Aggrieved of the aforesaid award dated 02.09.2009 passed by the learned Reference Court, the appellants-State filed the present appeal.

9. Impugning the aforementioned award, learned counsel for the respondents-landowners submits that learned Reference Court while relying upon the sale instance Ex.P-1 dated 16.03.1998 pertaining to the same revenue estate of village Umra, went wrong having failed to award suitable appreciation @ 12% over the base price derived from the said sale exemplar for the time gap between the date of sale instance and the date of notification issued under Section 4 of the Act in the case in hand. Learned counsel submits that once it was established on record that the distance between the land parcel forming part of sale instance Ex.P-1 dated 16.03.1998 and the acquired land was merely 10 acres, the market value was required to be re-assessed.

10. On the other hand, learned counsel appearing for appellant-State submits that in the present case, even as per the sale instance Ex.P-1 dated 16.03.1998 which pertained to 4 kanals of land, the base price per acre was Rs.2,24,000/- whereas, the learned Reference Court re-assessed the same at Rs.2,75,000/- per acre. Learned counsel submits that once the land parcel forming part of the sale instance Ex.P-1 dated 16.03.1998 as well as the acquired land were of agriculture nature, no appreciation at all was required to be granted in favour of respondent-landowners/cross-objectors for the time gap of sale instance up to the

date of issuance of notification under Section 4 of the Act especially, when no evidence about appreciation of price of land was led by the respondents-landowners/cross-objectors. He thus, submits that impugned award passed by the learned Reference Court was liable to be set aside and the award passed by the LAC was to be restored.

11. 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 respondents-landowners/cross-objectors.

12. In the present case, land under acquisition pertained to the revenue estate of village Umra, notified on 23.04.2002 under Section 4 of the Act. It has come on record that the acquired land was in close proximity to the railway station Hansi; at a distance of about 1-1.5 kilometers. In order to support their claim towards enhancement of market value, respondents produced on record sale deed Ex.P-1 dated 16.03.1998 pertaining to the same revenue estate of village Umra. Vide sale deed Ex.P-1, 4 kanals of land was sold for Rs.1,12,000/- with base price per acre of Rs.2,24,000/-. It has also been proved on record that the land parcel forming part of the sale deed Ex.P-1 dated 16.03.1998 was in close proximity to the acquired land, been situated at a distance of merely 10 acres.

13. In such circumstances, the sale deed Ex.P-1 dated 16.03.1998 for the land measuring 4 kanals pertaining to the similar nature and location of land was required to be relied upon for the purpose of determination of the market value in the case in hand.

14. Considering the fact that the acquired land was located in the close vicinity of railway station, Hansi, an annual appreciation @10% (simple) needs to be applied and awarded in favour of respondents-

landowners/cross-objectors upon the base price derived from the sale deed Ex.P-1 for the time gap between the date of its execution i.e. 16.03.1998 up to the date of notification under Section 4 of the Act in the case in hand i.e. 23.04.2002.

15. Applying the aforesaid, the market value thus, as on the date of issuance of notification under Section 4 of the Act in the case in hand for the land parcel forming part of revenue estate of village Umra comes to Rs.3,13,600/- per acre.

16. Besides it, the landowner-appellant shall also be entitled for all the statutory benefits and interest, especially the interest on solatium.

17. Since, the land parcel forming part of sale exemplar Ex.P-1 is 4 kanals whereas, the total acquired land is only 11.64 acres, thus, no cut needs to be applied towards smallness of the area.

18. Since, the purpose of the acquisition is construction of Depal Sub Minor, thus the State did not suffer any loss of land or expense towards providing of additional infrastructural amenities like parks, roads, green belts or community building etc, no cut towards development cost needs to be applied.

19. In view of the aforesaid circumstances, the present appeal(s) filed at the instance of appellant-State are dismissed and the cross-objections filed at the instance of respondents-landowners-cross-objectors are allowed in the above terms.

20. 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 applications before the learned
Executing Court.

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

20.02.2026

Tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>

Other connected cases	RFA-2675-2010
RFA-2594-2010	RFA-2871-2010
RFA-2595-2010	RFA-2872-2010
RFA-2596-2010	RFA-2873-2010
RFA-2597-2010	RFA-2874-2010
RFA-2598-2010	RFA-2875-2010
RFA-2599-2010	RFA-2876-2010
RFA-2600-2010	RFA-2877-2010
RFA-2601-2010	RFA-2878-2010
RFA-2602-2010	RFA-2879-2010
RFA-2603-2010	RFA-2880-2010
RFA-2604-2010	RFA-2881-2010
RFA-6889-2011	RFA-2882-2010
RFA-2606-2010	RFA-2883-2010
RFA-2607-2010	RFA-2884-2010
RFA-2608-2010	RFA-5501-2010
RFA-2609-2010	RFA-5503-2010
RFA-2610-2010	RFA-5569-2010
RFA-2611-2010	RFA-4933-2010
RFA-2612-2010	RFA-5502-2010
RFA-2613-2010	RFA-5504-2010
RFA-2614-2010	RFA-6958-2011
RFA-2615-2010	