

116



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
RFA-5268-2010 (O&M) and other connected cases
Date of Decision: April 28, 2026

MAHESH KUMAR AND ORS.Appellants
Versus
STATE OF HARYANA AND ORS.Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Deepak Girotra, Advocate and
Mr. Chetan Sharma, Advocate for the appellants.
Mr. Abhinash Jain, DAG, Haryana.

HARKESH MANUJA, J. (ORAL)

Vide this common order, a batch of 5 Regular First Appeals shall stand disposed of, details of which are mentioned in the footnote of the judgment. For convenience, the facts are culled out from **RFA-5268-2010.**

2. By way of present appeal(s), challenge has been laid to the judgment dated 07.04.2009 passed by the learned Additional District Judge, Gurgaon (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 appellants-landowners, seeking enhancement of compensation was partly allowed.

3. Briefly stating, certain land, from the revenue estate of Village Charakpur, Tehsil and District Gurgaon was acquired for the public purpose, namely, "*for construction of a road falling in between Sectors 27 and 43 at Gurgaon*" vide notifications dated 24.05.1993 and 06.12.1993 issued under Sections 4 and 6 respectively of the Act. The Land Acquisition Collector (for short '**the LAC**') passed Award No.19 dated 31.03.1994 assessing the market value at the rate of Rs.4,00,000/- per acre along with other statutory benefits.

4. The appellants-landowners, feeling dissatisfied with the award, sought reference under Section 18 of the Act pleading that the price of acquired land was not less than Rs.3000/- per square yard as the same was having great potential value for being used for industrial and residential purposes. It was further contended that the prevailing market value of the acquired land at the time of the passing of the Award was substantially higher than the amount determined by the LAC.

5. Upon notice, the same was contested by the respondents-State by way of filing of written statement wherein it was pleaded that the compensation awarded by the LAC was fair and adequate. It was further pleaded that the petition preferred at the instance of the appellants was liable to be dismissed for non-joinder of necessary parties as they were not the owners of the acquired land and no claim under Section 9 of the Act was filed by them.

6. Upon framing of issues and consideration of the evidence led by the parties, the learned Reference Court, vide award dated 07.04.2009 enhanced the amount of compensation to Rs.161.23 per square yard.

7. Aggrieved of the aforesaid award dated 07.04.2009 passed by the learned Reference Court, the appellants-landowners filed the present appeal(s).

8. Impugning the aforementioned award, learned counsel for the appellants-landowners submits that previously, vide a notification dated 18.12.1991 issued under Section 4 of the Act, the land forming part of the revenue estate of village Charakpur District Gurugram was sought to be acquired for public purpose, namely *“for residential/industrial area (Sector 49-50 (Part) Old and Sectors 55-56 (Part New) at Gurgaon”* and

the market value was finally determined @ Rs.10,87,000/- per acre by this Court vide decision dated 15.10.2010 passed in ***RFA-1971-2002***, titled as ***Naut Ram and Others v. State of Haryana and others***. He thus submits that for the acquisition in the case(s) in hand, which commenced vide subsequent notification dated 24.05.1993, the appellants-landowners were entitled for award of escalation @ 15% per annum over the base price of Rs.10,87,000/- per acre for the time gap between the two notifications, and as such the market value was required to be reassessed and enhanced in favor of appellants-landowners.

9. Per contra, learned counsel appearing on behalf of respondents-State submits that award passed by the learned Reference Court was based on proper appreciation of the material available on record and thus the same calls for no interference. He further submits that, in the absence of any evidence on record indicating appreciation in market value between 18.12.1991 and 24.05.1993, no escalation was required to be granted in favour of the appellants/landowners and thus, appeal(s) preferred at the instance of appellants/landowners were liable to be dismissed.

10. 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.

11. In the given facts and circumstances, from the record, it can be discerned that previously, vide notification dated 18.11.1991, land forming part of the same revenue estate of village Chakarpur was acquired for the public purpose of *“for residential/industrial area (Sector 49-50 (Part) Old and Sectors 55-56 (Part New) at Gurgaon”*, and market value was finally assessed @ Rs. 10,87,000/- per acre by this Court vide

decision dated 15.12.2010 passed in **Naut Ram’s case** (supra). The present acquisition relates to notification dated 24.05.1993 from the same revenue estate of village Charakpur.

12. Taking into account the fact that the revenue estate of village Charakpur forms a part of National Capital Region territory being located within the revenue limits of District Gurgaon, escalation @ 12% per annum needs to be awarded in favour of appellants/landowners for the time gap of 1 year and 5 months from 18.12.1991 to 24.05.1993 on the assessment made by this Court @ Rs. 10,87,000/- per acre and thus, the market value with respect to the present acquisition as on the date of notification under Section 4 of the Act comes to Rs. 12,71,790/- per acre.

13. Accordingly, the market value of the acquired land is assessed @ **Rs. 12,71,790/- per acre**. Besides it, the landowner-appellant shall also be entitled for all the statutory benefits and interest under the Act, especially the interest on solatium.

14. In view of the aforesaid circumstances, the present appeal(s) are partly allowed with the aforesaid modification.

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 applications before the learned Executing Court.

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

28.04.2026
Tejwinder

(HARKESH MANUJA)
JUDGE

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

RFA-5268-2010 (O&M) and other connected cases

Other connected cases
RFA-2211-2004
RFA-2271-2010
RFA-2801-2007
RFA-2849-2010