IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

239-U

RFA No.2714 of 2012 (O&M)
with other connected cases
Date of Decision: 20.04.2026

SMT. SAJNI AND OTHERS .....Appellants
Vs
STATE OF HARYANA THROUGH COLLECTOR, JIND, DISTRICT JIND ...Respondent

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

Present: Mr. Ajay Kumar Yadav, Advocate for
Mr. R.N. Lohan, Advocate
for the appellants.

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

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*HARKESH MANUJA, J. (Oral)*

[1]. Vide this common order, the present appeals bearing RFA Nos.2713, 2714, 3295, 5202, 5203 and 4039 to 4050 of 2012 are being decided as all these appeals have arisen out of common acquisition and involve identical facts and questions of law. For the sake of brevity, facts are being taken from **RFA No.2714 of 2012.**

[2]. By way of present appeal(s), challenge has been laid to the Award dated 04.01.2012 passed by the learned Addl. District Judge, Jind (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 estate of village Shamlo Kalan, Tehsil and District Jind was acquired vide Notifications dated 23.04.2000 and

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12.08.2000 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 Ram Kali Minor"*.Award under Section 11 of the 1894 Act was passed by the Land Acquisition Collector (for short '***the LAC***') on 25.10.2000, whereby market value of the acquired land was assessed @ Rs.1,70,000/- per acre for *Nehri/Chahi* land besides granting all other statutory benefits under the 1894 Act.

[4]. Aggrieved thereof, the appellants/landowners preferred objections in terms of Section 18 of the 1894 Act and the matter was referred to the learned Reference Court, which partly accepted the claim and assessed the market value of the acquired land @ 3,00,000/-per acre. Thereafter, the appellants/landowners as well as the respondent/State preferred appeals before this Court. The said appeal, i.e. RFA No. 2564 of 2005, was taken up along with a batch of connected appeals arising out of different awards pertaining to acquisitions of land in various villages. This Court, vide common order dated 19.01.2011, remanded all the said matters, including the present one, for fresh adjudication after granting opportunity to the parties to lead additional evidence in support of their respective claims. In pursuance of the same, the learned Reference Court rendered the impugned award dated 04.01.2012 whereby the market value of the acquired land was re-assessed at Rs.3,05,000/- per acre. Dissatisfied with the said determination, the appellants/landowners have filed the present appeal(s) assailing the aforesaid award before this Court.

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

[6]. In the present case(s), learned Reference Court placed reliance upon sale deed dated 11.05.1999 (Ex.P-3) vide which 13 Kanals 18 Marlas of land was sold @ Rs.4,34,375/- with base price of Rs.2,50,000/- per acre. From the records, it can be discerned that the sale deed dated 11.05.1999 (Ex.P-3) pertained to the same revenue estate, fetched the highest sale price per acre and thus, was rightly relied upon by the learned Reference Court as the best suitable sale exemplar especially in the wake of law laid down by the Hon'ble Apex Court in case of the case of ***Horrmal Vs. State of Haryana, reported as '2024(4) R.C.R. (Civil) 758'***, as per which the highest valued sale exemplar was to be considered while assessing the market value in the cases of compulsory land acquisition. Relevant paragraph Nos.27 and 28 from ***Horrmal's*** case (supra) are extracted hereunder:-

> *"27. In the instant case, there are multiple sale deeds of smaller plots, and these represent the best available evidence for estimating compensation. Since there is no legal impediment to considering such sale deeds, the logical progression in the compensation estimation process would be to identify the most suitable sale deed(s) for determining the market value and subsequently, to apply adequate deductions on the same. The solution to this state of flux may thus be found in the case of* ***Mehrawal Khewaji Trust v. State of Punjab, (2012) 5 SCC 432*** *where this Court laid down as follows:*
>
> > *"....It is clear that when there are several exemplars with reference to similar lands, it is the general rule that the highest of the exemplars, if it is satisfied that it is a bona fide transaction, has to be considered and accepted. When the land is being compulsorily taken away from a person, he is entitled to the highest value which similar land in the locality is shown to have fetched in a bona fide transaction entered into between a*

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> *willing purchaser and a willing seller near about the time of the acquisition."*
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> *28. This view has been reiterated in* ***Sh. Himmat Singh v. State of M.P., (2013) 16 SCC 392*** *where a three-judge bench of this Court consolidated various precedents to affirm that in circumstances where there are multiple sale deeds available for consideration, the Court <u>shall rely on the highest valued exemplars</u> unless the prices fall within a narrow range, in which case calculating an average of the values therein may be more congruous."*

[7]. Furthermore, no material evidence was brought on record by the respondents/State to either show that the nature of land parcel forming part of the sale exemplar dated 11.05.1999 (Ex.P-3) was not similar to the land under acquisition or that the said sale transaction was not *bona fide* or genuine one. Pertinently, the other sale deeds produced by the landowners either pertained to the period post notification under Section 4 of the 1894 Act in the case(s) in hand or carried lesser sale price in comparison to the sale consideration reflected in sale exemplar dated 11.05.1999 (Ex.P-3).

[8]. Moreover, the learned Reference Court rightly applied appreciation @ 12% per annum over the base price derived from the sale exemplar dated 11.05.1999 (Ex.P-3) for the time gap between the sale transaction upto the date of notification under Section 4 of the 1894 Act in the case(s) in hand. Further, the learned Reference Court was even right in discarding the sale instances produced by the respondents/State in the forms of Ex.R-1 to Ex.R-4 as the sale price reflected therein was merely 2/3$^{rd}$ (approximately) of the price per acre granted by the LAC vide its award passed under Section 11 of the 1894 Act and thus, apparently, the sale instances Ex.R-1 to Ex.R-4 produced by the respondents/State

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did not even reflect the representative market price of the land value at the time of its acquisition.

[9]. In view of above, the determination of the market value by the learned Reference Court pertaining to the notification dated 23.04.2000 issued under Section 4 of the 1894 Act in the case(s) in hand, cannot be said to be unjustified or unfair. The award of the ld. Reference Court, having been passed upon proper appreciation of material evidence available on record, therefore, calls for no interference in the present appeals.

[10]. However, with respect to the damages on account of severance of land, the learned Reference Court has awarded 10% of the market value as compensation towards severance of land. In the present case(s), the acquisition has been carried out for the public purpose, namely, *"for the construction of Ram Kali Minor"* which is bound to result into bifurcation of land owned by the appellants/landowners and as a result of the present acquisition proceedings, some part of it came on the other side of the Minor. In such circumstances, the appellants/landowners are going to suffer loss towards cultivation of land besides causing them inconvenience towards connectivity of the two parcels left on either side of 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., as such, it is appropriate to award reasonable damages on account of severance of land in favour of the landowners @ 25% of the market value besides award of all other statutory benefits/interest thereupon.

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[11]. Consequently, in view of the discussion made hereinabove, all the appeals are disposed of in the aforesaid terms.

[12]. 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.

[13]. All pending application(s), if any, shall also stand disposed of.

(HARKESH MANUJA)
JUDGE

April 20, 2026
*Atik*

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

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