



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

RFA-1358-2023 (O&M)
Date of Decision: 30.03.2026

State of Haryana and othersAppellants
Versus
Jarnail Singh and othersRespondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.Abhinash Jain, DAG, Haryana
for the appellants.
Mr. Robin Dutt, Advocate for the landowners

-. -

HARKESH MANUJA, J. (ORAL)

Vide this common order, a bunch of 22 Regular First Appeals, details of which are given in the footnote of this judgment, are being decided as all the appeals 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.1358 of 2023.**

2. By way of present appeal(s), challenge has been laid to the Award dated 16.12.2022 passed by the learned Addl. District Judge, Yamuna Nagar (hereinafter to be referred as the 'Reference Court').

3. Briefly stating, in the present case(s), land measuring 50 acres 2 Kanals 18 Marlas situated within the revenue estate of Jaroda, Tehsil Jagadhri, District Yamuna Nagar was acquired vide

Notifications dated 14.05.2002 and 21.02.2003 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 District Jail, Yamuna Nagar*". Award under Section 11 of the 1894 Act was passed by the Land Acquisition Collector (for short 'the LAC') on 26.10.2004, thereby determining the market value of the acquired land @ Rs.10,00,000/- per acre for the land categorised as '*Prime*' and @ Rs. 6,00,000/- per acre for the rest of the land besides award of all other statutory benefits and interests provided under the 1894 Act.

4 Dis-satisfied with the Award passed by the LAC, respondent(s)-landowner(s) invoked Reference under Section 18 of the 1894 Act, which came to be partly allowed by the learned Reference Court vide its decision dated 16.12.2022, while granting enhanced compensation @ Rs.1560/- per square meter 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 appellant(s)-State as well as respondent(s)-landowner(s).

CONTENTION(S):
ON BEHALF OF THE APPELLANT(S)-STATE:-

5. Impugning the aforesaid Award, learned State counsel representing the appellant(s)-State submits that the learned Reference Court erred having placed reliance upon the judgment

dated 04.10.2012 (Ex.A2) passed by a Coordinate Bench of this Court in ***RFA-1955-2005***, titled as '***Swaran Singh Vs. State of Haryana and other connected matters***' vide which the market value of acquired land pertaining to the revenue estates of Villages Bhatauli and Khera was assessed @ Rs.1560/- per sq. meters, in terms of notification dated 28.04.1999 issued under Section 4 of the 1894 Act. The State counsel points out that the aforementioned acquisition pertained to Villages Bhatauli and Khera whereas the acquisition in hand pertained to different revenue estate of Village Jaroda and thus there was similarity about nature and potential of two land parcels.

5.1. He further contends that the learned Reference Court rightly discarded the sale instances produced by the respondents-landowners as the same pertained to the period post notification under Section 4 in the case(s) in hand. He points out that the learned Reference Court ought to have relied upon the sale instances produced by the appellant(s)-State in the form of Exs.R1 to R4 which all pertained to the same revenue estate of Village Jaroda as the acquired land.

5.2. Learned State counsel thus submits that in absence of any sale transaction pertaining to the period prior to the date of notification under Section 4 of the Act in the case(s) in hand produced by the respondents- landowners, for the revenue estate of Village Jaroda, the claim made by the landowners *qua* enhancement of

compensation was liable to be dismissed and the award of the LAC was to be restored.

ON BEHALF OF THE RESPONDENT(S)-LANDOWNER(S):-

6. Per contra, learned counsel for the respondents-landowners submits that the learned Reference Court rightly placed reliance upon the judgment dated 04.10.2012 (Ex.A2) in **Swaran Singh's case** (supra), however, failed to award appreciation for the time gap between the previous notification i.e. dated 28.04.1999 till the date of notification under Section 4 of the 1894 Act in the case(s) in hand which was issued on 14.05.2002.

6.1. Learned counsel for the respondents contends that while taking into consideration the locational advantage attached to the acquired land, the same being situated on the State Highway leading from Jagadhri to Bilaspur, an appreciation @ 15% was required to be awarded in favour of the respondents-landowners. He thus, submits that the market value needs to be reassessed and enhanced in favour of the respondents-landowners based on the aforementioned evidence and thus, the award passed by the learned Reference Court was liable to be modified. No other argument has been addressed.

DISCUSSION AND REASONING: -

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

8. Firstly, it would be relevant to take note of the sale

instances produced by the appellants and the respondents in order to substantiate their effective claims. The details thereof are extracted hereunder:-

Sale deeds produced by the appellant(s)-State: -

Sr. No.	Sale Exhibits	Date of sale deed	Area	Name of village	Total Sale consideration (Rs.)	Value per acre
1.	Ex.R1	29.07.2002	4 Kanal	Jaroda	Rs.5,00,000/-	Rs.10,00,000/-
2.	Ex.R2	16.09.2002	4 Kanal	Jaroda	Rs.3,00,000/-	Rs.6,00,000/-
3.	Ex.R3	29.10.2002	7K – 9M	Jaroda	Rs.3,72,000/-	Rs.4,00,000/-
4.	Ex.R4	27.12.2002	8 Kanal	Jaroda	Rs.3,00,000/-	Rs.3,00,000/-

Sale deeds produced by the respondents-landowners: -

Sr. No.	Sale Exhibits	Date of sale deed	Area	Name of village	Total Sale consideration (Rs.)	Value per acre
1.	Ex.P52	31.08.1992	48 Kanal	Bhatauli	Rs.51,00,000/-	Rs.8,50,000/-
2.	Ex.P53	27.12.1995	1K- 4M	Bhatauli	Rs.1,85,000/-	Rs.12,33,333/-
3.	Ex.P54	11.06.1998	1K-13M	Gulab Nagar	Rs.2,25,000/-	Rs.10,90,909/-
4.	Ex.P55	10.07.2001	200 sq. yards	Gulab Nagar	Rs.1,20,000/-	Rs.29,04,000/-
5.	Ex.P56	17.08.2001	16 Marlas	Gulab Nagar	Rs.1,70,000/-	Rs.17,00,000/-
6.	Ex.P57	15.11.2001	8 Marlas	Gulab Nagar	Rs.85,000/-	Rs.17,00,000/-
7.	Ex.P58	14.01.2002	44.44 sq. yards	Gulab Nagar	Rs.53,500/-	Rs.58,26,732.07
8.	Ex.P59	10.04.2002	3K-12M	Gulab Nagar	Rs.4,50,000/-	Rs.10,00,000/-
9.	Ex.P60	05.03.2004	2K-2M	Gulab Nagar	Rs.5,72,000/-	Rs.21,79,047.62
10.	Ex.P61	15.04.2005	15 Marlas	Gulab Nagar	Rs.2,27,000/-	Rs.24,21,333.33
11.	Ex.P62	24.08.2004	5 Kanals	Bhatauli	Rs.30,00,000/-	Rs.48,00,000/-
12.	Ex.P63	25.10.2004	20K-10M	Jaroda	Rs.51,25,000/-	Rs.20,00,000/-
13.	Ex.P69	25.10.2004	4K-8M	Jaroda	Rs.11,00,000/-	Rs.20,00,000/-

8.1. A perusal of the above charts shows that the sale instances produced by the appellant(s)-State in the form of Exs.R1 to

R4, though pertained to the same revenue estate of Village Jaroda as the land under acquisition in the case(s) in hand, however, pertained to the period post-notification under Section 4 of the Act, thus were not to be relied upon for the purpose of determination of market value of the case(s) in hand.

9. As regards to the sale instances produced by the respondents-landowners, Exs.P63 and P69 though pertained to the revenue estate of Village Jaloda, but were for the period post-notification under Section 4 of the Act, thus, need to be discarded. Similarly, sale instances Exs.P60 to P62 also related to the period post-notification under Section 4 of the Act, thus were not to be relied upon. The sale instances Ex.P52 and P53 pertaining to the revenue estate of Village Bhatauli dated 31.08.1992 and 27.12.1995, respectively are from the period much prior to the acquisition in hand, thus, it may not be safe to rely upon such sale instances either.

9.1. Further, the sale instances Ex.P54 to Ex.P59 relate to the revenue estate of Village Gulab Nagar, whereas the acquisition in the case(s) in hand pertains to the revenue estate of Village Jaloda. A perusal of the record shows that no evidence has been adduced by the respondents-landowners to prove the similarity about nature of land forming part of the two revenue estates of Village Gulab Nagar and Jaloda. Therefore, since the comparative location of the revenue estate of Village Jaloda *vis-à-vis* Village Gulab Nagar has not been proved on record, the sale instances Exs.P54 to P59 cannot be relied

upon for determining market value in the present case(s).

10. A perusal of the record further shows that previously, vide notification dated 28.04.1999 issued under Section 4 of the Act, land forming part of revenue estates of villages Bhatauli and Khera were acquired for public purpose, namely, “*for establishment of Police Lines, at Jagadhri*”. With respect to the said acquisition, this Court vide its decision dated 04.10.2012 (Ex.A2) passed in **Swaran Singh’s** case (supra), assessed the market value @ R.1560/- per sq. meters. The present acquisition commenced vide notification dated 14.05.2002 about the land forming part of the revenue estate of Village Jaroda for public purpose, namely, “*for the construction District Jail, Yamuna Nagar*”. It has been proved on record from the deposition of PW13-Jai Parkash, Patwari of the Area, Gulab Nagar, Jalodha, Jagadhri that the land parcel acquired in the earlier acquisition proceedings for construction of police lines lies in close vicinity of the land acquired in the present proceedings. In the cross-examination, no suggestion was put to the said witness by the appellant(s)-State to doubt or counter such statement made by Jai Parkash, (PW13) or to impeach his credibility. The same being relevant is reproduced hereunder:-

“PW 13 on SA

Statement of Jai Parkash Patwari halqa Jagadhri.

I am also Halqa patwari of the area Jagadhri and Gulab Nagar, Jaroda. I have seen the acquired land meant for the construction of the jail. The land acquired for the

patien District Jail, is on the State High Way, which is 1 k.m. away from Ambala-Jagadhri road, which is National High Way. The land acquired meant for the police line, is also very close to the said acquired land.

XXXX G.P.

It is correct that just fair compensation had been given to the claimant.

R.O.&A.C.

Sd/-A.D.J. 23.02.06.”

10.1. Moreover, from the material available on record, it is evident that the land acquired in the present case(s) is located on State Highway connecting Jagadhri to Bilaspur, which is approximately 1 km away from the Ambala-Jagadhri Road, where the land acquired vide earlier notification dated 28.04.1999 was located. In such circumstances, no illegality or perversity can be found on the part of learned Reference Court having relied upon Ex.A2 i.e. the judgment dated 04.10.2012 passed by this court in **Swaran Singh's** case (supra) for assessing the market value in the present case(s).

11. However, keeping in view the fact that the land acquired vide notification dated 14.05.2002 herein, was located on the State Highway leading from Jagadhri to Bilaspur and thus carried locational and potential advantage, an appreciation @ 10% per annum needs to be granted in favour of respondents-landowners for the time gap between the two notifications i.e. 28.04.1999 and 14.05.2002 (i.e. approximately for 03 years 16 days). Thus, the market value per sq.

meter, as on the date of notification under Section 4 in the case(s) in hand comes to **Rs.2035/-** [1560 + 475 (10% interest for 3 years and 16 days)].

12. Accordingly, impugned award dated 16.12.2022 passed by the learned Reference Court is modified and the respondents-landowners are held entitled for award of market value at the rate of **Rs.2035/- per square meter**. The respondents-landowners are also awarded consequential / statutory benefits and interest as provided in the 1894 Act (as amended up-to-date), especially the interest on solatium as well.

13. In view of the aforesaid discussion, the appeals filed at the instance of landowners are partly allowed, whereas, the appeals filed at the instance of State, are hereby dismissed.

14. 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.

15. Pending misc. application(s), if any, shall also stands disposed of.

30.03.2026
sanjay

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned?	Yes/No
Whether Reportable?	Yes/No

<u>Sr.No.</u>	<u>Case No.</u>
1.	RFA-1323-2023 (O&M)
2.	RFA-1359-2023 (O&M)
3.	RFA-1360-2023 (O&M)
4.	RFA-1361-2023 (O&M)
5.	RFA-1362-2023 (O&M)
6.	RFA-1363-2023 (O&M)
7.	RFA-1364-2023 (O&M)
8.	RFA-1365-2023 (O&M)
9.	RFA-1366-2023 (O&M)
10.	RFA-1367-2023 (O&M)
11.	RFA-1368-2023 (O&M)
12.	RFA-1369-2023 (O&M)
13.	RFA-1372-2023 (O&M)
14.	RFA-665-2023 (O&M)
15.	RFA-667-2023 (O&M)
16.	RFA-669-2023 (O&M)
17.	RFA-672-2023 (O&M)
18.	RFA-680-2023 (O&M)
19.	RFA-683-2023 (O&M)
20.	RFA-753-2023 (O&M)
21.	RFA-755-2023 (O&M)

30.03.2026
sanjay

(HARKESH MANUJA)
JUDGE