

2025/PHHC/068753



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA-1872-2016 (O&M) and other connected cases

Date of Decision: April 22, 2026

RAJENDER PRASAD (DECEASED) THR. LRs. AND ANR.

.....Appellants

Versus

STATE OF HARAYNA AND ORS.

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Shailendra Jain, Sr. Advocate with
Mr. Rahul, Advocate and
Ms. Indu Bala, Advocate for the appellants.

Mr. Abhinash Jain, DAG, Haryana.

Mr. Pritam Singh Saini, Advocate with
Ms. Surbhi Rana, Advocate for respondents-HSIIDC.

HARKESH MANUJA, J. (ORAL)

Vide this common order, a batch of 19 Regular First Appeal(s) shall stand disposed of, details of which are mentioned in the footnote of the judgment. For convenience, the facts are culled out from **RFA-1872-2016**.

By way of present appeal(s), challenge has been laid to the judgment dated 06.01.2016 passed by the learned Additional District Judge, Gurgaon (hereinafter referred to as '**Reference Court**') whereby the reference petition filed under Section 18 of the Land Acquisition Act, 1894 (for brevity '**the Act**') by the appellants-landowners, seeking enhancement of compensation was partly allowed.

2. Briefly stating, certain land, located within the revenue estate of Village Budhera, Tehsil and District Gurgaon was acquired for the

public purpose, namely, “*for setting up of a sewerage treatment plant*” vide notification dated 19.08.2008 and 19.08.2009 issued under Sections 4 and 6 respectively of the Act. The Land Acquisition Collector (for short ‘**the LAC**’) passed Award No.9 dated 26.07.2011 assessing the market value at the rate of Rs.41,50,000/- per acre along with other statutory benefits.

3. 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.2,00,00,000/- per acre as the same was situated in the vicinity of posh colonies and sectors carved out by HUDA.

4. Upon notice, the same was contested by the respondents-HSIIDC by filing a written statement which was adopted by respondents-State as well. In the written statement, it was pleaded that the appellants did not file any claim under Section 9 of the Act opposing the amount of compensation granted by the LAC. It was further pleaded that the acquired land was an ordinary agricultural land and the compensation awarded by the LAC was fair and adequate.

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

“1. *What was the market value of the acquired land at the time on the date of notification under Section 4 of Land Acquisition Act? OPP*

2. *Relief.”*

6. The parties led their respective evidence and produced following sale deeds:

Sale deeds produced by appellants-landowners:

Exhibit	Date of Sale Deed	Sale Deed no.	Area of Land	Village	Total Amount	Rate Per Acre
P-1	13.08.2008	11983	119 sq. yards	Budhera	Rs. 18,00,792/-	Rs. 57,64,440/-
P-11	01.03.2013	27838	14K-0M-4S	Budhera	Rs. 2,32,26,133/-	Rs. 1,32,72,076/-
P-12	06.03.2013	28285	15K-15M	Budhera	Rs. 2,75,54,800/-	Rs. 1,39,96,088/-
P-13	24.05.2013	5103	16K-0M	Budhera	Rs. 2,80,00,000/-	Rs. 1,40,00,000/-
P-14	28.03.2007	27084	35K-10M	Dhanwapur	Rs. 11,09,37,500/-	Rs. 2,50,00,000/-
P-15	23.08.2007	11083	9K-16M	Dhanwapur	Rs. 3,67,50,000/-	Rs. 3,00,00,000/-
P-16	14.02.2008	26336	17K-15M	Dhanwapur	Rs. 8,43,12,500/-	Rs. 3,80,00,000/-
P-17	07.04.2011	442	13K-13M	Dhanwapur	Rs. 9,21,37,500/-	Rs. 5,40,00,000/-
P-II	29.01.2008	24748	7K-10M	Dhankot	Rs. 2,62,50,000/-	Rs. 2,80,00,000/-
A-2	21.11.2007	17135	9K-2M	Dhankot	Rs. 3,41,25,000/-	Rs. 3,00,00,000/-
A-3	21.11.2007	17137	20K-18M	Dhankot	Rs. 7,83,75,000/-	Rs. 3,00,00,000/-
A-4	24.01.2008	24377	30K-0M	Dhankot	Rs. 10,50,00,000/-	Rs. 2,80,00,000/-
A-5	24.01.2008	24379	39K-18.5M	Dhankot	Rs. 13,97,37,500/-	Rs. 2,80,00,000/-
A-6	24.01.2008	24380	9K-18.5M	Dhankot	Rs. 3,47,37,500/-	Rs. 2,80,00,000/-

Sale deeds produced by respondents:-

Sr. no.	Exhibit	Date of Sale Deed	Sale Deed no.	Area of Land	Village	Total Amount
1	R-1	08.02.2008	25911	1K-12M	Budhera	Rs. 4,40,000/-
2	R-2	05.05.2008	3150	14K-7M	Budhera	Rs. 39,46,250/-
3	R-3	19.06.2008	7300	8K-6M	Budhera	Rs. 21,80,000/-
4	R-4	08.07.2008	8919	4K-3M	Budhera	Rs. 10,89,500/-
5	R-5	28.08.2008	13128	2K-17M	Budhera	Rs. 7,48,500/-

Sr. no.	Exhibit	Date of Sale Deed	Sale Deed no.	Area of Land	Village	Total Amount
6	R-6	28.08.2008	13156	3K-0M-5S	Budhera	Rs. 7,94,800/-
7	R-7	10.09.2008	14227	3K-4M	Budhera	Rs. 8,40,000/-
8	R-8	10.09.2008	14236	4K-16M	Budhera	Rs. 12,60,000/-
9	R-12	07.09.2007	12195	2K-18M	Budhera	Rs. 7,97,500/-

7. After considering the evidence led by both the parties, the learned Reference Court, vide award dated 06.01.2016 enhanced the amount of compensation to Rs.46,87,057/- per acre.

8. Aggrieved of the aforesaid award dated 06.01.2016 passed by the learned Reference Court, the appellants-landowners filed the present appeal(s).

CONTENTION(S):

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

9. Impugning the aforementioned award, learned Senior counsel appearing on behalf of the appellants-landowners submits that the acquisition in the case(s) in hand was carried out vide notification dated 19.08.2008 under Section 4 of the Act for the land forming part of revenue estate of village Budhera, District Gurugram for the public purpose, namely, *“for setting up of sewerage treatment plant”*. He points out that prior thereto, some different land parcel forming part of the same revenue estate of village Budhera was acquired vide previous notification dated 19.05.2008 under Section 4 of the Act, followed by notification dated 26.05.2008 issued under section 6 thereof for public purpose, namely *“for development and utilization of land for extension of water*

works in Gurgaon”, and with respect to the said acquisition proceedings, the market value was assessed at the uniform rate of Rs. 2,80,00,000/- per acre vide judgment dated 24.05.2016 passed by this Court in **RFA-1580-2012** titled as “**Moti Sagar and Ors. Vs. State of Haryana and Anr.**”. He also points out that the said judgment was upheld by the Hon'ble Apex Court while dismissing the Special Leave to Appeal (Civil) No. 23630-23668 of 2016, preferred at the instance of respondents-State vide its order dated 05.01.2017.

9.1. Learned Senior Counsel thus, submits that since in the present case(s), the acquisition was carried out vide subsequent notification dated 19.08.2008 from the same revenue estate of village Budhera, the appellants-landowners were entitled for appreciation at the rate of 15% per annum for the time gap between the two notifications i.e. between 19.05.2008 up to 19.08.2008 and the market value was thus required to be reassessed and enhanced accordingly. Learned Senior counsel therefore, prays that appeal(s) in hand are required to be allowed. No other argument has been addressed.

ON BEHALF OF THE RESPONDENT(S)-HSI IDC:-

10. Countering the submissions made on behalf of the appellants-landowners, learned counsel for the respondents-HSI IDC contends that since in the case(s) in hand, the appellants-landowners produced sale deeds pertaining to the revenue estate of Village Budhera, Dhanwapur as well as Dhankot, as such in view of the law laid down by the Hon'ble Apex Court in case of **Manoj Kumar vs. State of Haryana & Others** reported as **2018 (13) SCC 96**, previous determination relating to any prior notification under Section 4 of the Act even for the similar

revenue estate was not to be relied upon. Paragraph Nos.14 to 18 of the said judgment which have been referred to by the learned counsel for respondent-HSIIDC extracted hereunder for reference:-

“14. In our opinion, the High Court could not have placed an outright reliance on the decision of Swaran Singh's case, without considering the nature of transaction relied upon in the said decision. The decision could not have been applied ipso facto to the facts of the instant case. In such cases, where such judgments/awards are relied on as evidence, though they are relevant, but cannot be said to be binding with respect to the determination of the price, that has to depend on the evidence adduced in the case. However, in the instant case, it appears that the land in Swaran Singh's case was situated just across the road as observed by the High Court as such it is relevant evidence but not binding. As such it could have been taken into consideration due to the nearness of the area, but at the same time what was the nature of the transaction relied upon in the said case was also required to be looked into in an objective manner. Such decisions in other cases cannot be adopted without examining the basis for determining compensation whether sale transaction referred to therein can be relied upon or not and what was the distance, size and also bonafide nature of transaction before such judgments/awards are relied on for deciding the subsequent cases. It is not open to accepting determination in a mechanical manner without considering the merit. Such determination cannot be said to be binding. We have come across several decisions where the High Court is adopting the previous decisions as binding. The determination of compensation in each case depends upon the nature of land and what is the evidence adduced in each case, may be that better evidence has been adduced in later case regarding the actual value of property and subsequent sale deeds after the award and before preliminary notification under section 4 are also to be considered, if filed. It is not proper to ignore the evidence adduced in the case at hand. The compensation cannot be determined by blindly following the previous award/judgment. It has to be considered only a piece of evidence not beyond that. Court has to apply the judicial mind and is supposed not to follow the previous awards without due consideration of the facts and circumstances and evidence adduced in the case in question. The current value reflected by comparable sale deeds is more reliable and binding for determination of compensation in such cases award/judgment relating to an acquisition made before 5 to 10 years cannot form the safe basis for determining compensation.

15. *The awards and judgment in the cases of others not being inter parties are not binding as precedents. Recently, we have seen the trend of the courts to follow them blindly probably under the misconception of the concept of equality and fair treatment. The courts are being swayed away and this approach in the absence of and similar nature and situation of land is causing more injustice and tantamount to giving equal treatment in the case of unequal's. As per situation of a village, nature of land its value differ from the distance to distance even two to three-kilometer distance may also make the material difference in value. Land abutting Highway may fetch higher value but not land situated in interior villages.*

16. *The previous awards/judgments are the only piece of evidence at par with comparative sale transactions. The similarity of the land covered by previous judgment/award is required to be proved like any other comparative exemplar. In case previous award/judgment is based on exemplar, which is not similar or acceptable, previous award/judgment of court cannot be said to be binding. Such determination has to be out rightly rejected. In case some mistake has been done in awarding compensation, it cannot be followed on the ground of parity an illegality cannot be perpetuated. Such award/judgment would be wholly irrelevant.*

17. *There is yet another serious infirmity seen in following the judgment or award passed in acquisition made before 10 to 12 years and price is being determined on that basis by giving either flat increase or cumulative increase as per the choice of individual Judge without going into the factual scenario. The said method of determining compensation is available only when there is absence of sale transaction before issuance of notification Under Section 4 of the and for giving annual increase, evidence should reflect that price of land had appreciated regularly and did not remain static. The Recent trend for last several years indicates that price of land is more or less static if it has not gone down. At present, there is no appreciation of value. Thus, in our opinion, it is not a very safe method of determining compensation.*

18. *To base determination of compensation on a previous award/judgment, the evidence considered in the previous judgment/award and its acceptability on judicial parameters has to be necessarily gone into, otherwise, gross injustice may be caused to any of the parties. In case some gross mistake or illegality has been committed in previous award/judgment of not making deduction etc. and/or sufficient evidence had not been adduced and better evidence is adduced in case at hand, previous award/judgment being not inter-parties cannot be followed and if land is not similar in nature in all aspects it has to be out-rightly rejected as done in the case of comparative exemplars.*

Sale deeds are at par for evidentiary value with such awards of the court as court bases its conclusions on such transaction only, to ultimately determine the value of the property.”

10.1. Learned counsel for the respondents further submits that the appellants-landowners produced 04 sale deeds which pertained to the land forming part of the revenue estate of Village Budhera, District Gurugram, out of which, sale deed exhibit P-1 dated 13.08.2008 was the only sale instance which pertained to the period prior to the notification under Section 4 of the case(s) in hand as per which, the market price per acre was around Rs.57,64,440/-. He thus submits that at best, the appellants-landowners, even as per their own evidence produced on record, were entitled for market value on the said rate and not in excess thereof.

10.2. Learned counsel also points out that the learned Reference Court erred having relied upon the award Exhibit-P3 dated 12.12.2013 pertaining to the land acquired vide notification dated 19.05.2008. In view of the aforesaid, learned counsel prays that the award passed by the learned Reference Court was to be set aside and that of the LAC was to be restored while dismissing the appeal(s) preferred at the instance of appellants-landowners and by accepting the appeal(s) preferred by the respondents-HSIIDC. No other argument has been addressed by learned counsel for the respondents.

DISCUSSION AND REASONING: -

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 appellants-landowners.

12. Before proceeding further, it may be noticed here that the learned counsel appearing on behalf of the respondent-HSIIDC has placed on record a site plan depicting the comparative location of all the acquisitions from the revenue estate of Village Budhera, besides the sale instances produced by the appellants-landowners as well as the respondents. The site plan has been countersigned by the official concerned as well as the learned counsel appearing on behalf of the respondents. A copy thereof has also been handed over to the learned counsel appearing on behalf of appellants who does not dispute its veracity. As such, the same is taken on record as '**Mark-X**' being relevant for the purposes of adjudication of the appeal(s) in hand.

13. As per the records, acquisition in the present case(s) commenced vide notification dated 19.08.2008 issued under Section 4 of the Act with respect to the land forming part of the revenue estate of Village Budhera, District Gurgaon for the public purpose namely, "*for setting up of a Sewerage Treatment Plant*". Prior thereto, another, land parcel was acquired from the same revenue estate of village Budhera vide notification dated 19.05.2008, namely, for "*development and utilization of land for extension of water works in Gurgaon*" (hereinafter referred to as the '**previous acquisition**'). Undisputedly, this Court vide its decision dated 24.05.2016 passed in **RFA No. 1580 of 2012** in case of **Moti Sagar** (supra) determined the market value at the rate of Rs.2,80,00,000/- per acre for the previous acquisition in terms of notification dated 19.05.2008 under Section 4 of the Act, which even was upheld by Hon'ble the Apex Court vide its decision dated 05.01.2017 while dismissing the Special Leave to Appeal preferred at the instance of

State of Haryana. Relevant portion of the judgment passed by the Hon’ble Apex Court in **Moti Sagar’s case (Supra)** is extracted hereunder for reference:-

“Heard the learned counsels for the petitioner and perused the relevant material.

Applications for exemption from filing certified copy of the impugned order are allowed.

Delay condoned.

In awarding the compensation to the land owners, the High Court, in the impugned order, has relied upon an earlier order passed by it. The said earlier order has been subjected to an appeal by the land owners i.e. SLP (c) Nos. 33378-33383 of 2016, where notice has been issued. In such circumstances, we do not consider it prudent to issue notice in these special leave petitions filed by the State for reduction of the compensation amount.

Special leave petitions are, therefore, not entertained and are accordingly dismissed.”

Further, the appeal filed at the instance of appellants-landowners pertaining to the said acquisition was also dismissed by the Hon’ble Apex Court vide order dated 10.10.2017 passed in “**Civil Appeal No.15015-2017**” titled as “**Moti Sagar Vs. State of Haryana**” thus, having attained finality.

Coming back, a comparative table of the two acquisitions being relevant is mentioned here-in-below:-

<u>Particulars</u>	<u>Previous notification</u>	<u>Present notification</u>
Notification issued under Section 4	19.05.2008	19.08.2008
Notification issued under Section 6	26.05.2008	19.08.2009
Date of Award passed by LAC	21.12.2009	26.07.2011
Village	Budhera	Budhera

Amount assessed by the LAC	Rs.25,00,000/- per acre	Rs.41,50,000/- per acre
Amount assessed by the Reference Court	Rs.41,81,500/- per acre (Vide award dated 16.11.2011)	Rs.46,87,057/- per acre (after applying appreciation @ 12% per annum on 44,93,528/- per acre for the time gap of 4 months and 11 days) (Vide award dated 06.01.2016)
Award passed by this Court	Rs.2,80,00,000/- per acre (vide order dated 24.05.2016 passed in RFA-1580-2012) (SLP filed against the said decision was dismissed by the Hon'ble Apex Court) vide its order dated 05.01.2017	—

13.1. Thus, from the above, it is apparent and evident that with respect to the land acquired in the same revenue estate of village Budhera in terms of notification dated 19.05.2008, the market value stood finalized @ Rs. 2,80,00,000/- per acre besides the award of other statutory benefits under the Act.

14. Furthermore, a perusal of the site plan Mark-X which has been produced on record by the respondents, it is apparent that the two land parcels forming part of the same revenue estate of village Budhera, relating to the two different notifications dated 19.05.2008 and 19.08.2008, are located in close vicinity; at a distance of just four acres from each other. Also, no evidence was placed on record by the respondent(s) to show that there was any material or substantive difference of location or potential between the two land parcels forming part of the acquisition commenced vide two notifications dated 19.05.2008 and 19.08.2008. In such circumstances, it has to be recorded in favour of appellants-landowners that there was similarity of locational and potential advantage attached of the two land parcels acquired by the abovementioned two separate notifications.

15. Insofar as the sale instances produced by the appellants-landowners as well as the respondents are concerned, a perusal of the record shows that as per the sale deeds produced by respondents, the price per acre at the time of notification under Section 4 of the Act in the case(s) in hand ranged from Rs. 20 to 23 lakhs per acre, which is approximately half of the market value awarded by the LAC vide its award dated 26.07.2011. In such circumstances, the same cannot be taken to be *bona fide* and genuine sale transactions reflecting the representative market value of the said land at the time of its acquisition and as such, cannot be taken into consideration for the purpose of determination of market value in the case(s) in hand. Moreover, as per site plan Mark-X, it is evident that the sale deeds produced by the appellants-landowners as well as the respondents were located at considerable distance from the acquired land and therefore, carried lesser evidentiary value. As such, sale deeds produced by the appellants as well as respondents cannot be relied upon.

15.1. Even otherwise, it may not be justified and reasonable to rely upon the sale instances produced by the parties which apparently and evidently appear to have been executed against a lesser amount of sale consideration so as to avoid stamp duty charges. Reliance in this regard can be placed upon “**Haryana State Industrial Development Corporation Vs. Pran Sukh**” reported as **2010(11) SCC 175**. The relevant paras 22 to 25 and 28 are extracted hereunder:-

“22. In our view, the learned Single Judge did not commit any error by relying upon sale transaction Exhibit P1 for the purpose of fixing market value of the acquired land. Undisputedly, that sale transaction was between two corporate entities and the entire sale price was paid through bank drafts. It is also not in dispute that the land which was subject-matter of Exhibit P1 is situated at village Naharpur Kasan and is adjacent to the acquired land. The Corporation and the State

*Government did not adduce any evidence to prove that the land sold vide Exhibit P1 was over-valued with an oblique motive of helping the land owners to claim higher compensation. Therefore, **we do not find any justification to discard or ignore sate deed Exhibit P1.** The refusal of the learned Single Judge to rely upon other sale transactions in which sale price of the land was shown as Rs. 7 lakhs per acre also does not suffer from any legal infirmity because its well-known that transactions involving transfer of properties are usually undervalued with a view to avoid payment of the requisite stamp duty and registration chargs.*

16. At this juncture, it is pertinent to mention that, with all due respect in view of the abovementioned conclusion, this Court does not find merit in the contention raised on behalf of learned counsel for the respondents that in terms of **Manoj Kumar's case** (supra), that once sale exemplars to the present acquisition are available on record in the case in hand, previous awards or judgments cannot be relied upon. Most humbly, it may be noticed here that the Hon'ble Apex Court has categorically observed in its judgment that the sale instances and previous awards stand on the same footing insofar as their evidentiary value is concerned. Therefore, in the considered view of this Court, the said judgment does not mandate a complete exclusion of earlier awards; rather, it serves as a caution that such awards are to be treated only as guiding parameters, subject to consideration of similarities and dissimilarities in the nature, potential, and location of the land, akin to sale instances, enabling the Court to apply its judicial mind in assessing the market value in the case at hand. My aforesaid view is also derived from a later decision rendered by the Hon'ble Apex Court of India in "**Ram Kishan (since deceased) versus State of Haryana** reported as **2025 SCC Online SC 715** wherein it was categorically observed that it would not be proper to read Manoj Kumar's case as suggesting that the relevant awards cannot be relied upon at all. Relevant paragraph

numbers 28 to 30 of *Ram Kishan (supra)* are extracted hereunder for reference:

“28. In *Sardara Singh (Supra)*, this Court also distinguished the judgment in *Manoj Kumar and Others vs. State of Haryana and Others*, (2018) 13 SCC 96 and stated that the observations in the said case were made in the context of the peculiar facts of the matter.

RELEVANCE OF PRIOR AWARDS

29. In *Manoj Kumar (Supra)*, this Court in Para 11,12,13,14 and 16 held as under.

“11. In our opinion, the High Court could not have placed an outright reliance on *Swaran Singh v. State of Haryana*, 2012 SCC OnLine P&H 19044, without considering the nature of transaction relied upon in the said decision. The decision could not have been applied ipso facto to the facts of the instant case. In such cases, where such judgments/awards are relied on as evidence, though they are relevant, but cannot be said to be binding with respect to the determination of the price, that has to depend on the evidence adduced in the case.

However, in the instant case, it appears that the land in *Swaran Singh* case was situated just across the road as observed by the High Court as such it is relevant evidence but not binding. As such it could have been taken into consideration due to the nearness of the area, but at the same time what was the nature of the transaction relied upon in the said case was also required to be looked into in an objective manner.

Such decisions in other cases cannot be adopted without examining the basis for determining compensation whether sale transaction referred to therein can be relied upon or not and what was the distance, size and also bona fide nature of transaction before such judgments/awards are relied on for deciding the subsequent cases. It is not open to accepting determination in a mechanical manner without considering the merit. Such determination cannot be said to be binding.

12. We have come across several decisions where the High Court is adopting the previous decisions as binding. The determination of compensation in each case depends upon the nature of land and what is the evidence adduced in each case, may be that better evidence has been adduced in later case regarding the actual value of property and subsequent sale deeds after the award and before preliminary notification under Section 4 are also to be considered, if filed. It is not proper to ignore the evidence adduced in the case at hand.

The compensation cannot be determined by blindly following the previous award/judgment. It has to be considered only a piece of evidence, not beyond that. The court has to apply the judicial mind and is supposed not to follow the previous awards without due consideration of the facts and circumstances and evidence adduced in the case in question. The current value reflected by comparable sale deeds is more reliable and binding for determination of compensation in such cases award/judgment relating to an acquisition made before 5 to 10 years cannot form the safe basis for determining compensation.

13. The awards and judgment in the cases of others not being inter partes are not binding as precedents. Recently, we have seen the trend of the courts to follow them blindly probably under the misconception of the concept of equality and fair treatment. The courts are being swayed away and this approach in the absence of and similar nature and situation of land is causing more injustice and tantamount to giving equal treatment in the case of unequals. As per situation of a village, nature of land, its value differ from distance to distance, even two to three kilometre distance may also make the material difference in value. Land abutting highway may fetch higher value but not land situated in interior villages.

14. The previous awards/judgments are the only piece of evidence on a par with comparative sale transactions. The similarity of the land covered by previous judgment/award is required to be proved like any other comparative exemplar. In case previous award/judgment is based on exemplar, which is not similar or acceptable, previous award/judgment of court cannot be said to be binding. Such determination has to be outrightly rejected. In case some mistake has been done in awarding compensation, it cannot be followed; on the ground of parity an illegality cannot be perpetuated. Such award/judgment would be wholly irrelevant.

16. To base determination of compensation on a previous award/judgment, the evidence considered in the previous judgment/award and its acceptability on judicial parameters has to be necessarily gone into, otherwise, gross injustice may be caused to any of the parties. In case some gross mistake or illegality has been committed in previous award/judgment of not making deduction, etc. and/or sufficient evidence had not been adduced and better evidence is adduced in case at hand, previous award/judgment being not inter partes cannot be followed and if land is not similar in nature in all aspects it has to be outrightly rejected as done in the case of comparative exemplars. Sale deeds are on a par for evidentiary value with such awards of the court as court bases its conclusions on such transaction only, to ultimately determine the value of the property."

30. Even in Manoj Kumar (Supra), this Court did not hold that awards in other cases which are relevant cannot be relied upon at all. What is held was such awards will be relevant as a piece of evidence and not be conclusive in nature."

16.1. Consequently, the determination made by this Court vide decision dated 24.05.2016 in **RFA No.1580 of 2012** titled "**Moti Sagar and Ors. Vs. State of Haryana and Anr.**" relating to the previous notification dated 19.05.2008; being the best available evidence, can be safely relied upon for the purpose of assessment of market value in the case(s) in hand for the following reasons as summarized below:-

- (a) The nature, potential, and geographical location of land parcels under both acquisitions are similar; the land parcels

forming part of the same revenue estate of village Budhera, relating to notifications dated 19.05.2008 and 19.08.2008 respectively, are situated in close proximity, i.e., at a distance of merely four acres from each other. No evidence to the contrary has been adduced on record.

- (b) The difference between the dates of issuance of notifications under Section 4 of the Act is merely three months, thus both acquisitions are in close temporal proximity, and it is unlikely that land prices would have varied materially during such short span.
- (c) The sale instances produced on record do not reflect the correct or reliable estimate of the market value prevailing at the relevant time, the same reflect almost the rate assessed by the LAC or pertain to the period post notification under Section 4 in the case(s) in hand.
- (d) In the humble opinion of this Court, the appellants-landowners cannot be deprived of the benefit of similar market value on the principle of grant of just and fair compensation in favor of the appellants-landowners against compulsory acquisition of their land.

17. Accordingly, in view of the aforesaid discussions made hereinabove, the appellants-landowners are held entitled for the market value of **Rs. 2,80,00,000/- per acre**. Since the time gap between the two notifications dated 19.05.2008 and 19.08.2008 is merely 3 months, it may not be appropriate to apply appreciation for the same.

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

19. Besides it, the appellants-landowners shall also be entitled to all the statutory benefits and interest, especially the interest on solatium.

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.

22.04.2026
Tejwinder

(HARKESH MANUJA)
JUDGE

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

S. No.	RFA Number
1	RFA-360-2017
2	RFA-361-2017
3	RFA-362-2017
4	RFA-363-2017
5	RFA-364-2017
6	RFA-374-2017
7	RFA-375-2017
8	RFA-376-2017
9	RFA-378-2017
10	RFA-1869-2016
11	RFA-1870-2016
12	RFA-1871-2016
13	RFA-1873-2016
14	RFA-2773-2016
15	RFA-2857-2016
16	RFA-2856-2016
17	RFA-2971-2016
18	RFA-3736-2016