



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA-2687-2021 (O&M)

Radhey Sham

...Appellant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Argued by: Ms. Sharmila Sharma, Advocate with
Mr. Aditya Sharma, Advocate for the appellant.

Mr. Gaurav Garg, AAG, Haryana for respondents No.1 & 2.

Mr. Pritam Singh Saini, Advocate for respondent No.3-HSIIDC.

Reserved on: 09.02.2026**Pronounced on: 12.02.2026****Pronounced fully/operative part: Fully****DEEPAK GUPTA, J.**

The present appeal has been preferred under Section 54 of the Land Acquisition Act, 1894 by the landowner seeking further enhancement of compensation, assailing the award dated 13.05.2014 passed by the learned Reference Court of Additional District Judge, Gurgaon

2. The record reveals that land belonging to the appellant and other landowners situated in village Fazalwas, Tehsil Manesar, District Gurgaon was acquired pursuant to notification dated 25.04.2008 issued under Section 4 of the Land Acquisition Act, 1894 (for short, "the Act"), followed by declaration dated 09.03.2009 under Section 6 of the Act. The Land Acquisition Collector, vide Award No.20 dated 24.08.2009, assessed the market value of the acquired land uniformly at ₹30,00,000/- per acre irrespective of classification.



3. Dissatisfied with the compensation awarded by the Collector, the appellant along with other landowners sought reference under Section 18 of the Act. The learned Reference Court, vide award dated 13.05.2014, enhanced the compensation to ₹62,14,421/- per acre along with all other statutory benefits, including solatium and interest as permissible under the Act.

4. Still aggrieved, the appellant has approached this Court seeking further enhancement.

5. At the threshold, it requires to be noticed that there was a delay of 2185 days in filing the present appeal. An application under Section 5 of the Limitation Act was allowed by a co-ordinate Bench of this Court on 21.03.2022, subject to the condition that the appellant would not be entitled to any interest for the period of delay. The appeal, therefore, survives only on merits.

6. On merits, learned counsel for the appellant submits that the issue is no longer res integra. It is contended that several similarly situated landowners, whose lands were acquired through the same notifications had preferred Regular First Appeals before this Court. A co-ordinate Bench, while deciding a bunch of appeals led by **RFA No.4437 of 2014** titled **Kanwar Sain Jain and another vs. State of Haryana and others, decided on 30.05.2022**, re-determined the market value of the acquired land at ₹1,21,00,000/- per acre for land falling up to a depth of 5 acres on both sides of NH-8 (Delhi-Jaipur Road), while maintaining the compensation awarded by the Reference Court for land situated beyond that depth. It is thus argued that the present appeal deserves to be disposed of in the same terms in order to maintain parity.

7. Learned Additional Advocate General, Haryana, does not dispute that the acquisition in question arises from the same notifications and that the judgment dated 30.05.2022 pertains to the same village and the same award of the Reference Court. However, it is submitted that the



State may have preferred a Special Leave Petition before the Hon'ble Supreme Court against the said judgment. Learned counsel for the appellant fairly submits that the present appeal may be disposed of subject to the final outcome of any such proceedings.

8. Having considered the rival submissions and perused the record, this Court finds merit in the contentions advanced on behalf of the appellant.

9. The principle of parity and uniformity in land acquisition matters is well entrenched. When lands are acquired through the same notification, for the same public purpose, and are similarly situated, the determination of market value must ordinarily be consistent, unless distinguishing features are shown. Differentiated treatment without rational basis would offend the principles of equality embedded in Article 14 of the Constitution of India and would undermine certainty in compensation jurisprudence.

10. In the present case, it is not disputed that the acquisition pertains to the same notifications dated 25.04.2008 and 09.03.2009 and that the award of the Reference Court dated 13.05.2014 was subject matter of adjudication in ***Kanwar Sain Jain (supra)***. The co-ordinate Bench, after detailed consideration of the evidence including sale exemplars and location advantages, determined the market value at ₹1,21,00,000/- per acre for land up to the depth of 5 acres on both sides of NH-8 and maintained the valuation assessed by the Reference Court for the remaining land.

11. Judicial discipline demands that a co-ordinate Bench follows an earlier judgment concerning the same acquisition unless it disagrees and refers the matter to a larger Bench. No distinguishing feature has been pointed out by the State in the present case. Therefore, this Court sees no justification to depart from the valuation already determined for identically situated landowners.



12. At the same time, it must be borne in mind that the delay in filing the present appeal has already been condoned subject to the specific condition that the appellant shall not be entitled to interest for the delayed period. That condition continues to operate and safeguards the acquiring body from financial burden attributable solely to the appellant's inaction.

13. In view of the above, the appellant is held entitled to compensation for the acquired land in terms of the judgment dated 30.05.2022 rendered in ***RFA No.4437 of 2014, Kanwar Sain Jain and another vs. State of Haryana and others***, along with all statutory benefits as permissible under the Act, except that no interest shall be payable for the period of delay as already directed in the order dated 21.03.2022.

14. It is further clarified that this enhancement shall remain subject to the final outcome of any Special Leave Petition or other proceedings, if pending, before the Hon'ble Supreme Court against the aforesaid judgment dated 30.05.2022.

15. The appeal stands allowed in the above terms and is accordingly disposed of.

12.02.2026

Yogesh

(DEEPAK GUPTA)

JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No

Uploaded on: 12.02.2026