133 (67 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RFA No. 2320 of 2016 (O&M)
and "66" connected cases
Date of Decision: 18.02.2026

Ram Kishan Suhag

...Appellant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ashwani Bakshi, Advocate;
Mr. Sudhir Hooda, Advocate
for the appellant(s)-landowner(s).

Mr. Abhinash Jain, Deputy Advocate General, Haryana
for the respondent(s).

****

HARKESH MANUJA, J. (ORAL)

This order shall dispose off the present sixty-seven (67) appeals bearing RFA Nos. **2320 (lead case)**, 2350, 2923, 2924, 2925, 2926, 2927, 2928, 2929, 3089, 3455, 3456, 3457, 3458, 3459, 3460, 3461, 3462, 3463, 3464, 3465, 3466, 3679, 3680, 3681, 3682, 3708, 3709, 3710, 3711, 3742, 4107, 4108, 4109, 4110, 4111, 4112, 4113, 4115, 4116, 4314, 4320 & 4818 of 2016; 63, 64, 65, 66, 1936, 1937, 1938, 1939, 1940, 1941, 2588, 2664, 2682, 3373, 3374, 3375, 3414, 3415, 3477, 3532, 3883 & 5500 of 2017; 2019 & 2352 of 2019; as the same arise out of common acquisition / award.

[2] In all appeals, the appellant(s)-landowner(s) are seeking further enhancement of compensation for the acquired land. Since the common question of law and facts are involved in these appeals, therefore, for the sake of convenience, facts are being culled out from RFA No. 2320 of 2016, the appeal filed by landowner-Ram Kishan Suhag.

[3] The appellant-landowner, having instituted the aforesaid appeal, preferred under Section 54 of the Land Acquisition Act, 1894 **(for short "1894 Act")**, sought modification of the award dated 20.01.2016 passed by the learned Additional District Judge, Rohtak **(hereinafter to be referred as "Reference Court")**, for enhancement of compensation amount.

FACTS

[4] Briefly stating, certain land owned by the appellant situated within the revenue estate of Village Sunaria Kalan, Hadbast No. 101, Tehsil and District Rohtak, came to be acquired vide notifications dated 24.12.2007 and 23.12.2008 issued under Sections 4 and 6 of the 1894 Act respectively, for the public purpose, namely, "Special Zone–Sector-21, Rohtak". Vide Award No. 11, dated 23.06.2010, the Land Acquisition Collector, Rohtak **(for short "LAC')** determined the market value of the acquired land at the rate of Rs.25 lakhs per acre for all types of land alongwith other statutory benefits.

[5] Aggrieved of the aforesaid Award dated 23.06.2010, landowners / interested persons filed reference under Section 18 of the 1894 Act, which were party allowed vide decision dated 20.01.2016 by the learned Reference Court, whereby the market value of the entire land was assessed/enhanced at the rate of Rs.27,88,000/- per acre alongwith other statutory benefits. Dissatisfied with the aforesaid decision of the learned Reference

Court, the present appeal(s) were preferred at the instance of appellant(s)-landowner(s).

CONTENTION(S):

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

[6] Impugning the aforesaid Reference Court's award dated 20.01.2016, learned counsel(s) for the appellant(s)-landowner(s) submits that the learned Reference Court went wrong having discarded the sale instances Exhibits P-1 to P-16 and P-18 vide which different parcels of land pertaining to the same revenue estate of Village Sunaria Kalan were sold with the base price per acre ranging from Rs. 31 lakhs to Rs. 1,22,00,000/- between February 2006 till December 2007.

[6.1] Learned counsel further submits that in view of the law laid down by the Hon'ble Apex Court in case **"*Horrmal (Deceased) through his LRs and others Versus State of Haryana and others",*** reported as ***2024 (4) RCR (Civil) 758***, out of the sale instances Exhibits P-1 to P-18 pertaining to the same revenue estate of Village Sunaria Kalan, the sale exemplar fetching the highest sale price was required to be taken into account for the purpose of determination of market value by applying suitable deduction thereupon towards smallness of area involved in such sale exemplar besides application of deduction towards development cost.

[6.2] Learned counsel for the appellant(s)-landowner(s) thus submit(s) that the market value of the acquired land in the present case was required to be re-assessed and enhanced accordingly.

ON BEHALF OF RESPONDENT(S)-STATE OF HARYANA

[7] On the other hand, learned counsel representing the respondents-State of Haryana submits that the sale deeds Exhibits P-1 to P-16 & P-18 though pertained to the same revenue estate of Village Sunaria Kalan, however, the same being of small land parcels were rightly discarded by the learned Reference Court. Learned State Counsel further submits that there being no site plan produced on record so as to prove the comparative location of the land parcel forming part of such sale deeds as compared to the acquired land, thus, no illegality was committed by the learned Reference Court by not relying upon the same.

[7.1] Learned State Counsel also submits that as per the sale transactions Exhibits R-7 to R-15 produced by the respondents, the sale price per acre for the revenue estate of Village Sunaria Kalan was around Rs. 6 lakhs to Rs. 20 lakhs, however, the appellants have been awarded market value at the rate of Rs. 27,88,000/- per acre by the learned Reference Court, which is significantly higher than that of the aforementioned sale deeds, thus, the landowner(s) have already been adequately compensated and no interference is warranted with the same.

[7.2] Learned State Counsel further contends that though the sale deeds pertaining to the small land parcels, produced by the appellant(s)-landowner(s) were rightly discarded by the learned Reference Court, however, in case those were to be taken into account, a suitable cut of 70% was required to be applied towards smallness of area. He thus submits that no further enhancement in favour of the appellants was called for and as such, the present appeals were liable to be dismissed.

DISCUSSION AND REASONING

[8] After hearing learned counsel for the parties and having gone through the paper-book / records, I find substance in the submission(s) made on behalf of the appellant(s)-landowner(s).

[9] Before proceeding in the matter, it may be relevant to take note of the sale exemplars produced by both the parties in order to support their respective claim:-

(i) Sale-deeds produced by the appellant(s)-landowner(s):-

Sr. No.	Exhibit	Vasika No.	Date	Land Area	Total Sale Consideration (in Rs.)	Price Per Acre (in Rs.)	Revenue Estate
1	P-1	2707	8.6.2007	193.33 Sq. yds	4,83,500/-	1,21,04,381.10	Mauja Sunaria Kalan
2	P-2	8916	28.12.2007	200 Sq. yds.	5,00,000/-	1,21,00,000.00	Mauja Sunaria Kalan
3	P-3	3514	29.6.2007	110 Sq. yds.	2,75,000/-	1,21,00,000.00	Mauja Sunaria Kalan
4	P-4	11518	14.3.2007	200 Sq. yds.	2,00,000/-	48,40,000.00	Mauja Sunaria Kalan
5	P-5	6289	20.10.2006	315 Sq. yds.	6,30,000/-	96,80,000.00	Mauja Sunaria Kalan
6	P-6	5044	6.9.2006	200 Sq. yds.	4,00,000/-	96,80,000.00	Mauja Sunaria Kalan
7	P-7	5529	31.8.2007	160.41 Sq. yds.	4,02,500/-	1,21,44,504.70	Mauja Sunaria Kalan
8	P-8	4355	23.7.2007	205.88 Sq. yds.	5,15,000/-	1,21,07,052.70	Mauja Sunaria Kalan
9	P-9	5531	31.8.2007	200 Sq. yds.	5,00,000/-	1,21,00,000.00	Mauja Sunaria Kalan
10	P-10	12520	30.3.2007	200.72 Sq. yds.	4,02,000/-	96,93,503.39	Mauja Sunaria Kalan
11	P-11	7231	20.11.2006	250 Sq. yds.	5,00,000/-	96,80,000.00	Mauja Sunaria Kalan

12	P-12	13445	24.2.2006	200 Sq. yds.	1,30,000/-	31,46,000.00	Mauja Sunaria Kalan
13	P-13	1086	30.4.2007	138 Sq. yds.	1,86,500/-	65,41,014.49	Mauja Sunaria Kalan
14	P-14	6405	26.10.2006	155.88 Sq. yds.	2,34,000/-	72,65,588.91	Mauja Sunaria Kalan
15	P-15	9229	17.1.2007	155 Sq. yds.	1,55,000/-	48,40,000.00	Mauja Sunaria Kalan
16	P-16	8930	28.12.2007	150 Sq. yds.	3,75,000/-	1,21,00,000.00	Mauja Sunaria Kalan
17	P-17	3796	6.7.2007	2 Kanal 7 Marla	16,80,000/-	57,19,148.00	Mauja Sunaria Kalan
18	P-18	3224	21.6.2007	119 Sq. yds.	2,97,500/-	1,21,00,000.00	Mauja Sunaria Kalan
19	P-19	8759	4.7.2007	173.33 Sq. yds.	3,47,500/-	96,89,494.03	Mauja Rohtak

(ii) Sale-deeds produced by the respondent(s)-State of Haryana:-

Sr. No.	Exhibit	Sale Deed No.	Date of sale deed	Land Area	Total Sale Consideration (Rs.)	Revenue Estate	Rect./ Killa No.
1	R-7	3194	21.06.2007	1 kanal	2,50,000/-	Sunaria Kalan	43/1, 8/2, 9, 10
2	R-8	88	04.04.2007	4 kanal	3,30,000/-	Sunaria Kalan	44/5
3	R-9	10241	14.02.2007	6 kanal 4.5 marla	4,69,000/-	Sunaria Kalan	24
4	R-10	1454	08.05.2007	11 kanal	27,50,000/-	Sunaria Kalan	10
5	R-11	5007	14.08.2007	8 kanal 1 marla	20,12,500/-	Sunaria Kalan	57/13/1, 20/2
6	R-12	7320	31.10.2007	2 kanal	5,00,000/-	Sunaria Kalan	43, 44
7	R-13	3691	04.07.2007	1 kanal 16 marla	4,50,000/-	Sunaria Kalan	37/19, 37/12
8	R-14	5820	11.09.2007	2 kanal	5,00,000/-	Sunaria Kalan	41/21/1/2, 42/23/2
9	R-15	3690	04.07.2007	1 kanal 16 marla	4,50,000/-	Sunaria Kalan	37/19, 37/12

[9.1] To start with the sale exemplars of respondents in the form of Exhibits R-7 to R-15, it may be noticed here that the per acre price of land there-under ranges between Rs. 6 lakhs to Rs. 20 lakhs in the year 2007 which is significantly lesser than the market value assessed at the rate of Rs. 25 lakhs per acre by the LAC vide its award dated 23.06.2010 under Section 11 of the 1894 Act, based on the decision made by the Divisional Level Price Fixation Committee, headed by the Commissioner, Rohtak Division, Rohtak. The report dated 08.04.2009 of the Divisional Level Price Fixation Committee was proved on record as Exhibit R-4. In such circumstances, there was no illegality or perversity with the findings recorded by the learned Reference Court for having discarded the sale instances produced by the respondents in the form of Exhibits R-7 to R-15; those clearly not reflecting the representative market price of the acquired land at the relevant point in time.

[9.2] Be that as it may, the aforementioned sale instances produced by the respondents in the form of Exhibits R-7 to R-15 been discarded and not relied upon by the learned Reference Court, however, neither any cross-appeal nor cross-objections were filed by the respondent(s)-State of Haryana, assailing the said findings which thus became final, conclusive and binding between the parties.

[10] On the other hand, the appellant(s)-landowner(s) have produced on record the sale instances as Exhibits P-1 to P-19. A perusal of the record shows that the sale deed Exhibit P-19 relates to the revenue estate of Rohtak, whereas the acquired land forms part of Mauja Sunaria Kalan and therefore, the same need not be relied upon. Out of the remaining, the learned Reference Court relied upon the sale deed dated 06.07.2007 (Exhibit P-17) pertaining to land measuring 2 kanals 7 marlas against sale consideration of Rs.16,80,000/- with base price of Rs. 57,19,148/- per acre, while recording that the land parcel therein was located adjacent to the acquired land. The other sale instances Exhibits P-1 to P-16 & P-18 were discarded by the learned Reference Court for the reason that the same were relating to very small parcels of land.

[10.1] At this stage, it may be relevant to take note of the comparative analysis with regard to the rectangle numbers of the land parcels forming part of the sale instances Exhibits P-1 to P-16 & P-18 and also the rectangle numbers of the acquired land, as under:-

<table>
<tr><th colspan="5">Rectangle Number sale instances Exhibits P-1 to P-16 & P-18</th><th rowspan="2">Rectangle Number of the acquired land</th></tr>
<tr><th>Sr. No.</th><th>Exhibit</th><th>Vasika No.</th><th>Date</th><th>Rectangle Number</th></tr>
<tr><td>1</td><td>P-1</td><td>2707</td><td>8.6.2007</td><td>33, 34</td><td rowspan="18">1, 3, 4, 6, 7, 8, 9, 10, 32, 33, 46, 47, 63</td></tr>
<tr><td>2</td><td>P-2</td><td>8916</td><td>28.12.2007</td><td>33</td></tr>
<tr><td>3</td><td>P-3</td><td>3514</td><td>29.6.2007</td><td>34</td></tr>
<tr><td>4</td><td>P-4</td><td>11518</td><td>14.3.2007</td><td>34</td></tr>
<tr><td>5</td><td>P-5</td><td>6289</td><td>20.10.2006</td><td>28, 10</td></tr>
<tr><td>6</td><td>P-6</td><td>5044</td><td>6.9.2006</td><td>28, 10, 10, 11</td></tr>
<tr><td>7</td><td>P-7</td><td>5529</td><td>31.8.2007</td><td>43, 44</td></tr>
<tr><td>8</td><td>P-8</td><td>4355</td><td>23.7.2007</td><td>43, 44</td></tr>
<tr><td>9</td><td>P-9</td><td>5531</td><td>31.8.2007</td><td>43, 44</td></tr>
<tr><td>10</td><td>P-10</td><td>12520</td><td>30.3.2007</td><td>43, 44</td></tr>
<tr><td>11</td><td>P-11</td><td>7231</td><td>20.11.2006</td><td>43</td></tr>
<tr><td>12</td><td>P-12</td><td>13445</td><td>24.2.2006</td><td>43</td></tr>
<tr><td>13</td><td>P-13</td><td>1086</td><td>30.4.2007</td><td>17, 37</td></tr>
<tr><td>14</td><td>P-14</td><td>6405</td><td>26.10.2006</td><td>35</td></tr>
<tr><td>15</td><td>P-15</td><td>9229</td><td>17.1.2007</td><td>18</td></tr>
<tr><td>16</td><td>P-16</td><td>8930</td><td>28.12.2007</td><td>41, 42</td></tr>
<tr><td>17</td><td>P-17</td><td>3796</td><td>6.7.2007</td><td>77, 78</td></tr>
<tr><td>18</td><td>P-18</td><td>3224</td><td>21.6.2007</td><td>35</td></tr>
</table>

A perusal of the above clearly reflects that all the sale deeds Exhibits P-1 to P-16 & P-18 formed part of the same revenue estate of Village Sunaria Kalan and were located in close vicinity of the acquired land and as such, undoubtedly were of similar nature and potential.

[11] Furthermore, the fact that all the 17 sale deeds proved on record by the appellant(s)-landowner(s) pertained to small parcles of land, itself established that the surroundings of the acquired land were having locational and potential advantage for being used as residential and commercial purposes. Moreover, even the Divisional Level Price Fixation Committee in its report dated 08.04.2009 also noticed this fact that the land under acquisition was near Rohtak Town and its surrounding area was already developed. The aforesaid report dated 08.04.2009 (Ex. R-4) submitted by the Divisional Level Committee held under the Chairmanship of Commissioner, Rohtak Division, Rohtak, being relevant is extracted hereunder:-

*" MINUTES OF THE MEETING OF DIVISIONAL LEVEL COMMITTEE, HELD UNDER THE CHAIRMANSHIP OF SH. S.P. GUPTA, I.A.S., COMMISSIONER, ROHTAK DIVISION, ROHTAK ON **8-4-2009** AT ROHTAK*

The meeting was attended by the following officers:-

Sh. S.P. Gupta, I.A.S., Commissioner, Rohtak Division, Rohtak	*Chairman*
Sh. P.C. Meena, I.A.S., Deputy Commissioner, Rohtak	*Member Secretary*
Sh. M.S. Mann, District Revenue Officer, Rohtak	*Member*
Sh. Sanjay Rai, Estate Officer, HUDA Rohtak.	*Member representative of the Acquiring Deptt.*

The committee considered the matter of fixation of rates of land measuring 231.52 Acre under acquisition for construction of Sector-21 in Village Sunari Kalan, as per notification dated 24-12-07 U/S 4 of the Land Acquisition Act, 1894. Tehsildar, Rohtak has *inspected the site and reported that the land under acquisition is situated in village Sunari Kalan.*

The land under acquisition is in 1.00 KM away from village Sunari Kalan, all kind of land. Collector rates for the purpose of registration of documents is Rs. 20,00,000/- in village Sunari Kalan. One year average of Nehri/Chahi land in village Sunari Kalan is Rs.4087000/- per acre. But these average rates are for developed colony, i.e. residential area and the land under acquisition is agricultural. The Govt. of Haryana, Revenue Department vide memo no. 1298-R-5-2007/4174, Chandigarh dated 6-4-2007 have been decided minimum floor rate is Rs. 16,00,000/- per acre with in sub region of NCR. This rate will not include solatium and interest payable under the provision of Land Acquisition Act. ***<u>The land which is being acquired is near Rohtak Town and the surrounding area of this land is already developed and the market rate of this land is very high</u>*** *and Rs. 2500000/- per acre for village Kutana has been fixed earlier but it is submitted that the land of village Sunari Kalan is near to land of village Kutana. So keeping in view of the latest Govt. directions and location of the land the committee fully agrees and recommends the rate of Rs. 25,00,000/- per acre for the land to be acquired for the development of Sector-21.*

-sd-	*-sd-*	*-sd-*	*-sd-*
Sanjay Rai, Estate Officer Rohtak	*M.S. Mann, D.R.O. Rohtak*	*P.C.Meena, I.A.S., Deputy Commissioner Rohtak*	*Commissioner Rohtak Division, Rohtak "*

[12] In view of the aforesaid, once it was established on record that the land under acquisition and its surroundings was having locational and potential advantage attached to it on account of its geographical proximity to Rohtak Town, in view of the law laid by the Hon'ble Supreme Court in ***Horrmal's case (supra),*** the learned Reference Court was required to rely upon all the sale instances produced by the appellant(s)-landowner(s) as Exhibits P-1 to P-18, irrespective of the fact of the extent of area alienated there-under. However, in the humble opinion of this Court, so as to balance the equities and to take a homogeneous and representative view, reliance needs to be placed upon the top 12 sale deeds fetching the highest sale price and then taking average thereof. Applying the same, the market value of the land comes to Rs. 1,12,99,120.16 per acre, as per calculation made hereunder:-

Sr. No.	**Exhibit**	**Vasika No.**	**Date of Sale Deed**	**Total Sale Consideration (Rs.)**	**Rate per acre (Rs.)**
1	P-1	2707	8.6.2007	4,83,500/-	1,21,04,381.10
2	P-2	8916	28.12.2007	5,00,000/-	1,21,00,000.00
3	P-3	3514	29.6.2007	2,75,000/-	1,21,00,000.00
4	P-5	6289	20.10.2006	6,30,000/-	96,80,000.00
5	P-6	5044	6.9.2006	4,00,000/-	96,80,000.00
6	P-7	5529	31.8.2007	4,02,500/-	1,21,44,504.70
7	P-8	4355	23.7.2007	5,15,000/-	1,21,07,052.70
8	P-9	5531	31.8.2007	5,00,000/-	1,21,00,000.00
9	P-10	12520	30.3.2007	4,02,000/-	96,93,503.39
10	P-11	7231	20.11.2006	5,00,000/-	96,80,000.00
11	P-16	8930	28.12.2007	3,75,000/-	1,21,00,000.00
12	P-18	3224	21.6.2007	2,97,500/-	1,21,00,000.00
				Total	13,55,89,441.89
				Average (Rs. 13,55,89,441.70 / 12)	**1,12,99,120.16**

[13] Further, admittedly the sale instances produced by the appellant(s)-landowner(s) are of small land parcels and the acquisition in the present case has been carried out for the public purpose, namely, "Special Zone – Sector-21, Rohtak", as such, the respondent-State definitely suffered loss of land as well as cost towards providing of basic/additional infrastructural amenities; therefore, in the considered opinion of this Court, a cut of 50% needs to be applied over the base price per acre of Rs.1,12,99,120.16. Accordingly, the market price for the acquired land as on the date of notification under Section 4 of the 1894 Act in the case at hand comes to **Rs. 56,49,560.00 per acre**, as per calculation below:-

Description	Amount per acre (in Rs.)
Base price of the land (as per average of 12 sale deeds)	1,12,99,120.16
Less: 50% development cut (Rs. 1,12,99,120.14 x 50/100)	56,49,560.08
Total	56,49,560.08
Net Compensation	**56,49,560.00 (Round Off)**

DECISION

[14] In view of the aforesaid discussion, impugned award dated 20.01.2016 passed by the learned Reference Court is modified and the appellants-landowners are held entitled for award of market value at the **rate of Rs. 56,49,560.00 per acre**. The appellant(s)-landowner(s) 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.

[15] Also, wherever the landowner(s) has/have unfortunately died in the appeal(s) / cross-objection(s) after filing thereof and the legal representatives 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.

[16] All the appeals are **disposed off** accordingly.

[17] Pending miscellaneous application(s), if any, shall stand(s) disposed off.

February 18, 2026 **(HARKESH MANUJA)**
'dk kamra' **JUDGE**

Whether Speaking / Reasoned :	Yes	No
Whether Reportable :	Yes	No