IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RFA No.410 of 2016 (O&M)
with other connected cases
Date of Decision: 16.04.2026

MOJI RAM AND ORS. .....Appellants

Vs

HARYANA STATE THROUGH THE COLLECTOR, REWARI AND ORS. ...Respondents

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

Present: Mr. S.P. Chahar, Advocate
for the appellant(s).

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.410 to 423; 686 to 698 and 849 to 858 of 2016 (O&M) 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.410 of 2016.**

[2]. By way of present appeal(s), challenge has been laid to the Award dated 30.05.2015 passed by the learned Addl. District Judge, Rewari (hereinafter to be referred as the '*Reference Court*').

[3]. Briefly stating, in the present case(s), total land measuring 8.973 acres situated in the revenue estates of village(s) Jaat Sayarwas, Gokalpur Kumbhawas and Khalilpur, Tehsil and District Rewari, was acquired vide Notifications dated 16.02.2010 and 23.12.2010 issued under Sections 4 & 6 of the Land Acquisition Act, 1894 (for short the '*1894 Act*') respectively, for the public purpose, namely, *"for constructing extension of Escape Channel from K.M. 4.530*

to 6.810 off taking from K.M. 30.300/L from JLN Canal". Award under Section 11 of the 1894 Act was passed by the Land Acquisition Collector (for short '***the LAC***') on 07.07.2011 (for Gokalpur Kumbhawas and Jaat Sayarwas) and 05.08.2011 (for Khalilpur), whereby market value of the acquired land was assessed @ Rs.20,00,000/- per acre besides granting all other statutory benefits under the 1894 Act.

[4]. Dissatisfied with the Award passed by the LAC, the appellants/landowners preferred their objections in terms of Section 18 of the 1894 Act which were referred to the learned Reference Court, which came to be partly accepted vide its award dated 30.05.2015, while re-assessing the market value of the acquired land @ Rs.39,40,256/- per acre.

[5]. Aggrieved thereof, the present appeal(s) are preferred at the instance of the landowners as well as State.

CONTENTION(S):
ON BEHALF OF THE APPELLANTS-LANDOWNERS: -

[6]. Impugning the aforesaid Award, learned counsel for the appellants/landowners submits that the learned Reference Court erred not placing reliance upon the sale instance dated 15.10.2008 (Ex.P-4) vide which 11 Marlas of land was sold for a sum of Rs.3,32,500/- with base price of Rs.48,36,363/- per acre. Learned counsel also points out that taking into account the locational and potential advantage attached to the acquired land, an appreciation @ 15% was to be granted over the base price per acre derived from the sale instance dated 15.10.2008 (Ex.P-4) and therefore, the market value of the acquired land was required to be enhanced in favour of the appellants/landowners. He thus, prays that on the basis of material on record, the market value was required to be re-assessed

and the appeal(s) preferred at the instance of landowners were to be allowed whereas the appeal(s) preferred by the State were to be dismissed.

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

[7]. Per contra, learned State counsel submits that the learned Reference Court committed error having discarded the sale instances produced by the respondent/State which pertained to the same revenue estate of village Jaat Sayarwas and the price per acre reflecting therein ranged between Rs.7 lakhs to 12 lakhs. Learned State counsel contends that since the LAC already assessed the market value @ Rs.20 lakhs per acre the appellants/landowners were sufficiently compensated thus, no further enhancement was required to be awarded by the learned Reference Court.

[7.1]. Learned State counsel further contents that all the sale instances produced by the respondent/State were in close proximity of the acquired land, whereas the sale instance dated 15.10.2008 (Ex.P-4) produced by the appellants/landowners was part of the village *abadi* and was, thus not of similar nature and potential as that of the acquired land. He thus prays that the impugned award dated 30.05.2015 passed by the learned Reference Court was liable to be set aside and the award passed by the LAC was to be restored.

DISCUSSION AND REASONING: -

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

[9]. In order to decide the issue of re-assessment of market value of the acquired land, details of the sale instances relied upon by the appellants-landowners as well as respondent(s)-State in furtherance of their claims are relevant and thus, the same are reproduced hereunder:-

Sale deeds produced by the appellants/landowners

Exhibits	Date of execution	Area (K-M)	Sale consideration	Rate per acre	Revenue estate/village
Ex.P-1	30.03.2009	1-8.5 (862 sq. yards)	Rs.7,33,000/-	Rs.41,15,087/-	Gokalpur Kumbhawas
Ex.P-2	22.10.2008	0-18 (544 sq. yards)	Rs.4,62,500/-	Rs.41,11,011/-	Gokalpur Kumbhawas
Ex.P-3	11.01.2010	0-17 (515 sq. yards)	Rs.4,38,000/-	Rs.41,22,352/-	Gokalpur Kumbhawas
Ex.P-4	15.10.2008	0-11 (350 sq. yards)	Rs.3,32,500/-	Rs.48,36,363/- (wrongly written as 47,22,272)	Jaat Sayarwas
Ex.P-5	18.10.2011	0-7 (200 Sq. yards)	Rs.2,40,000/-	Rs.64,00,000/-	Jaat Sayarwas
Ex.P-6	27.05.2010	4-18	Rs.40,00,000/-	Rs.65,30,612/-	Mundiakhera
Ex.P-7	19.03.2008	1-3 (695 sq. yards)	Rs.4,86,500/-	Rs.33,39,130/-	Mirpur
Ex.P-8	17.07.2009	0-10 (300 sq. yards)	Rs.2,55,000/-	Rs.40,80,000/-	Gokalpur Kumbhawas
Ex.P-9	25.01.2011	3-9	Rs.28,89,375/-	Rs.67,00,000/-	Mundiakhera
Ex.P-10	29.12.2010	26-3	Rs.1,96,08,000/-	Rs.59,98,623/-	Mundiakhera
Ex.P-11	13.06.2008	1-6	Rs.5,51,000/-	Rs.34,37,692/-	Mundiakhera
Ex.P-12	04.12.2008	2-0	Rs.10,00,000/-	Rs.40,00,000/-	Mundiakhera
Ex.P-13	14.03.2008	0-7.5	Rs.1,60,000/-	Rs.34,13,333/-	Dhoki
Ex.P-15	23.05.2008	4-0	Rs.12,50,000/-	Rs.25,00,000/-	Ghilnawas
Ex.P-16	08.10.2008	0-13	Rs.3,20,000/-	Rs.3,20,000/-	Ghilnawas
Ex.P-17	04.07.2011	8-8	Rs.61,00,000/-	Rs.61,00,000/-	Ghilnawas
Ex.P-18	20.07.2007	10-8	Rs.50,00,000/-	Rs.50,00,000/-	Ghilnawas
Ex.P-19	04.02.2011	0-1.66	Rs.5,600/-	Rs.56,000/-	Khalilpur

Sale deeds produced by the respondents/State

Exhibits	Date of execution	Area (K-M)	Sale consideration	Rate per acre	Revenue estate/village
Ex.RW1/A	12.08.2009	10-7	Rs.9,06,000/-	Rs.7,00,000/-	Jaat Sayarwas
Ex.RW2/B	10.08.2011	3-0	Rs.4,50,000/-	Rs.12,00,000/-	Jaat Sayarwas
Ex.RW3/C	04.05.2009	4-1	Rs.4,56,000/-	Rs.9,00,740/-	Jaat Sayarwas
Ex.RW4/D	30.07.2010	4-2	Rs.3,84,500/-	Rs.7,50,243/-	Jaat Sayarwas
Ex.RW5/E	12.06.2009	4-0	Rs.4,50,000/-	Rs.9,00,000/-	Jaat Sayarwas
Ex.RW6/F	04.06.2009	8-11	Rs.7,48,000/-	Rs.7,00,000/-	Jaat Sayarwas

[10]. In the present case, notification dated 16.02.2010 was issued under Section 4 of the 1894 Act for the acquisition of the land pertaining to three revenue estates namely Gokalpur Kumbhawas, Jaat Sayarwas and Khalilpur for the public purpose namely *"for constructing extension of Escape Channel from K.M. 4.530 to 6.810 off taking from K.M. 30.300/L from JLN Canal"*. Vide three separate

awards passed by the LAC, relating to the above mentioned three revenue estates, uniform market value of the acquired land was assessed @ Rs.20,00,000/- per acre in favour of the appellants/landowners. Pertinently, the present appeal(s) preferred at the instance of the appellants/landowners as well as respondents/State only relate to land forming part of the revenue estate of village Jaat Sayarwas.

[11]. From the tables extracted above, it can be discerned that only two sale instances dated 15.10.2008 (Ex.P-4) and 18.10.2011 (Ex.P-5) pertained to the revenue estate of village Jaat Sayarwas. However, the sale instance dated 18.10.2011 (Ex.P-5) pertained to the period post notification under Section 4 of the 1894 Act in the case(s) in hand, thus need not to be relied upon for assessing the market value in the present case(s). The sale instance dated 15.10.2008 (Ex.P-4) pertaining to 11 Marlas of land fetched sale consideration of Rs.3,32,500/- with base price per acre of Rs.48,36,363/-. It has also come on record that the land parcel forming part of the said sale instance Ex.P-4 is located in close proximity to the acquired land; being at a distance of merely 14 acres therefrom. In such circumstances, the land parcel forming part of sale instance dated 15.10.2008 (Ex.P-4) being in the immediate vicinity of the acquired land can be considered a reliable sale exemplar for the purpose of assessing market value in the case(s) in hand.

[12]. On the other hand, the respondents/State produced six sale instances pertaining to the revenue estate of village Jaat Sayarwas. The sale price per acre as reflected in those sale instances ranged between Rs.7 lakhs to Rs.12 lakhs, whereas the LAC vide its award dated 07.07.2011 assessed the market value @ Rs.20 lakhs per acre. Although, it was argued by the learned State counsel that the sale instance dated 15.10.2008 (Ex.P-4) pertained to a plot forming part of *abadi* deh of village

Jaat Sayarwas, the record reflects otherwise. After consolidation, the entire *abadi* of any revenue estate in Hadbast is assigned a uniform number and under normal circumstances, the sale deeds pertaining to any plot forming part of *abadi deh* of any revenue estate only depict its boundaries, however, the sale deed dated 15.10.2008 (Ex.P-4) contains a specific khewat number, rectangle number and killa number which thus, reflects that the land parcel forming part therein was not part of the *abadi* of revenue Hadbast of village Jaat Sayarwas.

[13]. Further, a perusal of award passed by the LAC shows that the market value assessed @ Rs.20 lakhs per acre was based on the recommendations made by the Divisional Level Rates Fixation Committee headed by the concerned Commissioner of the Division, which in turn acted on the basis of opinion provided by the District Collector, Rewari. In such circumstances, once the highest revenue/executive officials in their wisdom themselves assessed the value of the land forming part of the revenue estate of village Jaat Sayarwas to be Rs.20 lakhs per acre, the sale instances produced by the respondents/State reflecting a price range of Rs.7 lakhs to Rs.12 lakhs (approximately 40 to 60% lower), cannot be considered to be *bona fide* sale transactions reflecting representative sale price of the land at the time of its acquisition and as such, the same need to be discarded.

[14]. In view of discussion made hereinabove, the sale instance dated 15.10.2008 (Ex.P-4) pertaining to the same revenue estate of village Jaat Sayarwas, vide which 11 Marlas of land was sold @ Rs.3,32,500/- with the base price of Rs.48,36,363/- per acre, needs to be relied upon being the best suitable sale exemplar for the purpose of determination of market value in the case(s) in hand. There being a time gap of around 01 year and 04 months between the date of sale deed (Ex.P-4) and the date of issuance of notification under Section 4 of the 1894

Act in the case(s) in hand, suitable appreciation needs to be awarded in favour of the appellants/landowners. As such, an appreciation @ 12% per annum (in *total* 16%) is granted over the base price of Rs.48,36,363/- per acre derived from sale instance dated 15.10.2008 (Ex.P-4) which comes to Rs.56,10,181/- per acre.

[15]. Moreover, considering the fact that the land parcel under sale instance dated 15.10.2008 (Ex.P-4) measures 11 Marlas whereas the total acquired land from the revenue estate of village Jaat Sayarwas is approximately 7.04 acres, a deduction @ 30% over the base price per acre derived from the sale instance dated 15.10.2008 (Ex.P-4), towards smallness of its area would suffice. Accordingly, the market value of the acquired land as on the date of Notification under Section 4 comes to Rs.39,27,127/- per acre which does not differ significantly from the market value assessed @ Rs.39,40,256/- by the learned Reference Court vide its award dated 30.05.2015.

[16]. In view of above, the determination of the market value by the learned Reference Court pertaining to the notification dated 16.02.2010 issued under Section 4 of the 1894 Act in the case(s) in hand, cannot be said to be unjustified or unfair. The learned Reference Court, thus having passed the award based on proper appreciation of material evidence available on record, therefore, calls for no interference in the present appeals, as such all the appeals are disposed of while upholding the impugned award dated 30.05.2015.

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

(HARKESH MANUJA)
JUDGE

April 16, 2026
Atik

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