



131 (18 cases)

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

**RFA No. 5409 of 2015 (O&M)
and “17” connected cases
Date of Decision: 30.03.2026**

Subhash Chand and others

...Appellants

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rajinder Goyal, Advocate
for the appellant(s)-landowner(s)
(in RFA Nos. 5409, 4422 & 4556 of 2015) and
for the respondent(s)-landowner(s)
(in RFA Nos. 1040, 1042 & 1067 of 2016)

Mr. D.S. Nain, Advocate
for respondent Nos. 1 to 3 (in RFA No. 1307 of 2016) and
for respondent Nos. 1(i), 2(i) to (iv) & 3 to 14 (landowners)
(in RFA No. 1308 of 2016).

Mr. Kuldip Singh, Advocate
for the appellant(s)-landowner(s)
(in RFA Nos. 2308 & 2309 of 2016)

Mr. Abhishek Yadav, Deputy Advocate General, Haryana
for the respondent(s)-State of Haryana.

Mr. Pritam Singh Saini, Advocate with
Ms. Surbhi Rana, Advocate
for the respondent(s)-Market Committee, Kaithal.

Mr. Deepak Sabherwal, Advocate
for the respondent(s)-Marketing Board, Kaithal
(in RFA Nos. 1040, 1041, 1042, 1066, 2308 & 2309 of 2016)

Mr. S.K. Mahajan, Advocate
for respondent Nos. 3 & 4 (in RFA No. 2897 of 2019)

HARKESH MANUJA, J. (ORAL)

This order shall decide the present eighteen (18) appeals
bearing RFA Nos. 4422, 4556 & **5409 (lead case)** of 2015; 561 of
2017; 1040, 1041, 1042, 1066, 1067, 1068, 1069, 1070, 1307, 1308,

2308, 2309 & 2934 of 2016; and 2897 of 2019; as the same arise out of common acquisition / award.

[2] In the appeals filed by the landowners, they are seeking further enhancement of compensation for the acquired land, whereas in the appeals filed by the State of Haryana, the prayer is for reduction thereof. 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. 5409 of 2015.

[3] The appellant(s)-landowner(s), having instituted the aforesaid appeal bearing RFA No. 5409 of 2015, preferred under Section 54 of the Land Acquisition Act, 1894 (**for short “1894 Act”**), sought modification of the award dated 21.04.2015 passed by the learned Additional District Judge, Kaithal (**hereinafter to be referred as “Reference Court”**), for enhancement of compensation amount.

FACTS

[4] The relevant date(s) / particulars of the acquisitions are as under:-

Particulars	Relevant date / description
Notification under Section 4 of the Land Acquisition Act, 1894 was issued	29.01.2010
Final declaration under Section 6 of the Land Acquisition Act, 1894	27.01.2011
Area	28 Acres 3 Kanals 14 Marlas (As per notification under Section 6 and corrigendum dated 20.04.2011)
Village	Patti Chaudhary
District	Kaithal (Haryana)
Public Purpose	Establishment of New Grain Market, Kaithal
Land Acquisition Collector’s Award No. & Date	3 dated 15.01.2013
Land Acquisition Collector’s Award	Rs. 12 lakhs per acre for all kinds of land alongwith other statutory benefits (Rs. 3,41,55,000/- as cost of the land)
Reference Court’s Award date	21.04.2015
Reference Court’s Award	The market value of the acquired land comprised in Rect. No. 103 Killa No. 10/2/2,

	11/1, 20, 21/2 and Rect. No. 88 Killa No. 21/1, 25, which is adjacent to the main road, was assessed at the rate of Rs. 38,54,118/-, whereas the market value of the remaining acquired land was assessed at the rate of Rs. 25,05,177/- per acre, besides other statutory benefits under the 1894 Act.
--	---

[5] Dissatisfied with the award dated 21.04.2015 passed by the learned Reference Court, the present appeal(s) have been preferred at the instance of landowner(s) as well as the State of Haryana.

CONTENTION(S):

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

[6] Impugning the aforesaid award dated 21.04.2015, learned counsel for the landowner(s) submits that the learned Reference Court went wrong having ignored the sale instance dated 11.07.2007 (Exhibit PW-5/C), which pertained to 19 kanals of land with the base price per acre of Rs. 3,41,22,000/-. Learned counsel further submits that once a positive finding of fact was recorded by the learned Reference Court that the acquired land was having potential for being used as commercial, the sale exemplar-Exhibit PW-5/C could not have been discarded merely for the reason that the same pertains to the commercial land.

[6.1] Further, while relying upon the two site plans Exhibit P-A & Exhibit P-B, learned counsel submits that the land parcel forming part of the sale instance dated 11.07.2007 (Exhibit PW-5/C) as well as the acquired land, were located on the Kaithal-Jind road and thus possessed similar locational and potential advantage; as such, the sale deed dated 11.07.2007 (Exhibit PW-5/C) was required to be relied upon.

[6.2] Learned counsel also submits that taking into account the fact that the acquired land parcel was a compact block and was located on the Kaithal-Jind road, as such uniform market value was required to be awarded in favour of all the landowners instead of adopting the belting system.

[6.3] In view of the submissions made hereinabove, learned counsel(s) for the appellant(s)-landowner(s) submit(s) that the award passed by the learned Reference Court was required to be modified.

ON BEHALF OF RESPONDENT(S)

[7] At the outset, Mr. Pritam Singh Saini, learned counsel representing the respondent(s)-Market Committee, Kaithal submits that he does not wish to rely upon the sale instance dated 11.02.2009 (Exhibit R-C) since the same relates to the land parcel measuring fifty (50) square yards only and the same was got executed for residential and commercial purpose.

[7.1] Mr. Saini further submits that the learned Reference Court went wrong having relied upon the sale instances dated 06.08.2010 & 16.07.2010 (Exhibit PW-5/A & Exhibit PW-5/B respectively); both pertaining to the period post notification under Section 4 of the 1894 Act. He points out that the sale instance dated 11.07.2007 (Exhibit PW-5/C) was not to be relied upon as the land parcel therein was located much closer to the Kaithal City as compared to the acquired land. He thus submits that the impugned award passed by the learned Reference Court was liable to be set aside and that of the award passed by the LAC to be restored.

[7.2] In addition, learned counsel for the respondent(s)-Market Committee, Kaithal submits that the belting system adopted by the

learned Reference Court, in the given facts circumstances, was most appropriate and thus called for no interference.

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	Date of Sale	Area Sold	Sale Amount (in Rs.)	Amount Per Acre (in Rs.)
1	P-1	22.03.02	64K-17M	81,06,250/-	10,00,000.00
2	PW5/A	06.08.10	25K-10M	1,35,00,000/-	42,35,294.00
3	PW-5/B	16.07.10	25K-10M	1,10,70,000/-	34,72,941.00
4	PW-5/C	11.07.07	19 Kanals	8,10,39,750/-	3,41,22,000.00

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

Sr. No.	Exhibit	Date of Sale	Area Sold	Sale Amount (in Rs.)	Amount Per Acre (in Rs.)
1	RA	30.01.09	4K-19M	6,25,000/-	10,10,101.00
2	RB	16.02.09	67 Sq. Yard	54,000/-	39,00,896.00
3	RC	11.02.09	50 Sq. Yard	40,000/-	48,40,000.00

[10] A perusal of the above chart shows that all the three sale instances dated 30.01.2009, 16.02.2009 & 11.02.2009 produced by the respondents in the form of Exhibit R-A to Exhibit R-C respectively cannot be relied upon in the given facts and circumstances of the

case(s) in hand as the comparative location of the land parcels *vis-à-vis* the acquired land has not been established on record. As against this, the two sale instances dated 06.08.2010 & 16.07.2010 produced by the appellants-landowners in the form of Exhibits PW-5/A & PW-5/B respectively, are admittedly and undisputedly part of the acquired land and thus, these two sale instances are evidently of the similar kind, nature and potential of land, as that of the acquired land parcel.

[10.1] It may also be noticed here that the sale instance Exhibit PW-5/B though is dated 16.07.2010, however, it pertains to a Court auction held on 09.09.2009 and thus, the sale price mentioned therein constructively relates back to the date of auction held on 09.09.2009. Therefore, although the sale deed 06.08.2010 (Exhibit PW-5/A) pertains to the period of post notification, yet, taking into account the same, the procedure adopted by the learned Reference Court of having taken average of the sale price derived from Exhibits PW-5/A & PW-5/B cannot be treated as an unfair exercise of powers.

[11] Further, in the humble opinion of this Court, no merit can be found with the contention raised on behalf of the appellant(s)-landowner(s) for placing reliance upon the sale instance dated 11.07.2007 (Exhibit PW-5/C) with the base price of Rs. 3,41,22,000/- per acre as from the site plan Exhibit P-A and Exhibit P-B, it was established that the land parcel forming part of Exhibit PW-5/C though located on the same road (Kaithal-Jind road), but was much closer to the Kaithal City *vis-à-vis* the acquired land and thus could not be treated as of similar nature and potential. Moreover, as already stated hereinabove, the sale deeds dated 06.08.2010 & 16.07.2010 (Exhibits PW-5/A & PW-5/B respectively) related to the acquired land itself and

thus, in view of the law laid down by the Hon’ble Apex Court in case of **“The Dollar Company, Madras Versus Collector of Madras”** reported as **‘AIR 1975 SUPREME COURT 1670’**, whereby it was held that the best piece of evidence while assessing compensation in cases of compulsory acquisition, would be the sale instance of the very property to which the claimant is a party as it fairly reflects the estimate of the price a willing buyer is ready to give to a willing seller in the market; the said sale deeds being the suitable sale exemplars were rightly relied upon by the learned Reference Court. For reference, relevant para-5 from the decision of the **Dollar Company’s case (supra)** is extracted hereunder:-

“ 5. It is true that compensation for compulsory acquisition, as governed by Section 23, gives high priority to the market value of the land at the date of the publication of the notification under Section 4, sub-section (1). But what is market value ? It is a common place of this branch of jurisprudence that the main criterion is what a willing purchaser would pay a willing vendor. Ordinarily a party will be entitled to get the amount that he actually and willingly paid for a particular property, provided the transaction be bond fide and entered into with due regard to the prevalent market conditions and is proximate in time to the relevant date under Section 23. We may even say that the best evidence of the value of property is the sale of the very property to which the claimant is a party. If the sale is of recent date, then all that need normally be proved is that the sale was between a willing purchaser and a willing seller, that there has not been any appreciable rise or fall since and that nothing has been done on the land during the short interval to raise its value (See Parks 'Principles and Practice of Valuations' P. 29 - Eastern Law House, Calcutta - IV Edition, 1970). But if the sale was long ago, may be the court would examine male recent sales of

comparable lands as throwing better light on current land value. We emphasise this facet because the appellant himself purchased the land in question just ten months before the notification under Section 4(1), at a price of Rs. 410/- per ground. There was a pond in the plot, the filling up of which is alleged to have cost some extra money according to the appellant, but he gave no evidence before the court on this matter with the result that we are left with the estimate made by the Public Works Department for the filling up of the pond which works out at a much lesser figure. In short, less than a year before the date of commencement of acquisition proceedings, the appellant himself had purchased this land at a price around Rs. 450/- (making allowance for the pond which he had filled up) and he has been awarded Rs. 1,800/- per ground by the High Court. Instead of wandering around neighbouring lands or guessing as to what the price of the disputed land might have been, we have before us the actual purchase of the suit property by the appellant himself and he has not set up any case of special features or circumstances depressing the land value or affecting the particular transaction so that one could ignore that sale as the product of artificial circumstances. We have thus a situation where the law should express a judgment from the experience of the appellant himself as against a judgment from speculation based on other transactions.”

[12] Furthermore, taking the average of the sale price derived from the sale deeds dated 06.08.2010 & 16.07.2010 (Exhibits PW-5/A & PW-5/B respectively), the value of the acquired land comes to Rs.38,54,118/-; although, the learned Reference Court assessed the said market value at the rate of Rs. 38,54,118/- for the acquired land comprised in Rect. No. 103 Killa No. 10/2/2, 11/1, 20, 21/2, and Rect. No. 88 Killa No. 21/1, 25 which were adjacent to the main Jind-Kaithal road, but, for the remaining acquired land, a cut for 35% was applied

while assessing the market value at the rate of Rs. 25,05,177/- per acre. In the humble opinion of this Court, the cut applied at the rate of 35% was wholly un-called for in the given facts and circumstances of the present case, especially when the entire acquired land formed one compact block and was located on the main Kaithal-Jind road.

[13] Moreover, even the respondents themselves while passing the award through the LAC in their wisdom assessed uniform market value for the entire acquired land being conscious of the fact that the entire chunk carried the same locational and potential advantage and in such circumstances, the belting is done away with, consequently, granting uniform rate to all the landowners.

DECISION

[14] In view of the aforesaid discussion, impugned award dated 21.04.2015 passed by the learned Reference Court is modified and the appellant(s)-landowner(s) are held entitled for award of market value at the **uniform rate of Rs. 38,54,118.00 per acre**, thereby doing away with the belting system adopted by the learned Reference Court. 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] Consequently, the **appeals** filed by the **landowners** are **disposed off**, whereas the appeals filed by the **State of Haryana** are hereby **dismissed**.

[16] 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.

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

March 30, 2026
‘dk kamra’

(HARKESH MANUJA)
JUDGE

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