2026:PHHC:029334

138(40 cases) **IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

RFA-817-2016 (O&M)
Decided on:-23.02.2026

State of Haryana and others ....Appellants.

vs.

Kishori ....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Abhinash Jain, DAG, Haryana.

Mr. Nitish Yadav, Advocate,
for the landowners.

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HARKESH MANUJA J. (Oral)

1. Vide this common judgment, batch of total 40 connected Regular First Appeals are being decided as all have arisen out of the same award. The details of the connected cases are given at the bottom of the judgment.

1.2 For convenience, the facts are being taken from RFA-817-2016 (O&M).

2. By way of present appeal, challenge has been laid to an Award dated 27.08.2015 passed by the Court of learned Additional District Judge, Rewari (for short, ***"the Reference Court")***, whereby, reference petition(s) preferred at the instance of landowner(s) invoking Section 18 of the Land Acquisition Act, 1894 (for brevity, ***"1894 Act"***), were partly accepted.

3. Brief facts of the case are that some land owned by the

landowner(s), situated in the revenue estate of Village Nahar, Tehsil Kosli, District Rewari, was acquired vide notifications dated 10.03.2010 (published on 23.03.2010) and 21.05.2010 (published on 08.06.2010), issued under Sections 4 & 6 respectively of the 1894 Act. The total land under acquisition was 74 kanals 7 marlas. The acquisition was for the public purpose, namely, *"for construction of Nahar Minor"*. The Land Acquisition Collector (for short, "the LAC") vide its Award No.4 dated 25.04.2011, assessed the market value of the acquired land @ Rs.20 lakhs per acre with all other statutory benefits.

4. Aggrieved of the same, the landowner(s) invoked separate reference petition(s) under Section 18 of the 1894 Act, seeking enhancement of compensation. Upon consideration of the material available on record, the learned Reference Court vide its decision dated 27.08.2015, enhanced the market value of the acquired land to Rs.22 lakhs per acre alongwith all other statutory benefits under the 1894 Act.

5. Feeling dissatisfied with the aforesaid decision of the learned Reference Court, the State as well as landowner(s) preferred the appeals/cross appeals, details whereof are mentioned at the bottom of the judgment.

6. Impugning aforementioned award, learned counsel appearing on behalf of the appellant(s)-State submits that the sale deed dated 01.09.2011 (Ex.PW1/B) being post notification was rightly discarded by the learned Reference Court and as such, need not to be relied upon. Learned counsel further submits that the appellant(s)-State placed on record six sale deeds in the form of Ex.R-1 to R-6, all pertaining to the same revenue estate

of village Nahar and the market value reflected therein was around Rs.11-12 lakhs per acre, whereas, the landowner(s) were already granted significantly higher market value @ Rs.20 lakh per acre. Learned counsel thus, submits that the landowner(s) were adequately compensated by the LAC and no further enhancement was required and as such, the award passed by the learned Reference Court granting the market value @ Rs.22 lakhs per acre was required to be set aside and that of the LAC was to be restored. In support of his arguments, learned State counsel placed reliance upon a*kshajra* (Ex.R-7) depicting the comparative location of the sale deeds produced by both the parties vis-a-vis the acquired land.

6.1 Learned State counsel also submits that no evidence with respect to the severance of land holdings by the respondents(s)-landowner(s) was produced before the learned Reference Court, as such, at this stage no such claim ought to be entertained.

7. On the other hand, learned counsel for the respondent(s)-landowner(s) submits that the learned Reference Court erred having discarded the sale deed dated 01.09.2011 (Ex.PW1/B), vide which, 800 square yard (1 kanal 6 marla) of land situated in the same revenue estate of village Nahar was sold for a sum of Rs.7,05,000/- with base price per acre of Rs.43,38,461/-. Learned counsel submits that in the wake of sale deed dated 01.09.2011 (Ex.PW1/B) being post notification, the learned Reference Court ought to have applied the principles of doctrine of de-escalation in view of law laid by the Hon'ble the Supreme Court in case of ***Ram Kishan (since deceased) through his LRs etc. Versus State of Haryana & Ors.***, reported as ***2025 INSC 441***. He, thus submits that the market value of the acquired

land was required to be reassessed while taking into consideration the sale deed dated 01.09.2011 (Ex.PW1/B) after application of suitable deduction thereupon, besides applying cut towards smallness of area involved therein and thus, the claim made by the respondent(s)-landowner(s) was required to be re-assessed accordingly.

7.1 Learned counsel further submits that as an effect of acquisition in hand, the land holdings of the respondent(s)-landowner(s) have been bifurcated and as such, they are also entitled for award of damages against severance of their land.

8. 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 respondent(s)-landowner(s).

9. In the given facts, 9.293 acres of land forming part of the revenue Estate of village Nahar, Tehsil Kosli, District Hisar was acquired for the pubic purpose, namely, *"for construction of Nahar minor"*. Notification under Section 4 of the 1894 Act was issued on 10.03.2010 and the market value was assessed @ Rs.20 lakhs per acre, vide LAC award No.4 dated 25.04.2011, besides grant of other statutory benefits. The same was further enhanced to Rs.22 lakhs per acre by the learned Reference Court vide award dated 27.08.2015. As per the records, the appellant(s)-State produced six sale instances in support of their objections to the prayer made by the respondent(s)-landowner(s) for enhancement of market value of the acquired land.

10. A perusal of akshjara (Ex.R-7) shows that the sale instances Ex.R1 to R-4 are located across the Mohindergarh Nahar and thus, cannot be

considered relevant for the purpose of determination of market value in the case(s) in hand. The sale instance dated 31.03.2011 (Ex.R-5) with base price of Rs.11,56,247/- per acre, the land parcel therein is located at a considerable distance from the acquired land and therefore, the same cannot be relied upon either. Besides it, it may also be noticed here that as per the sale instances Ex.R-1 to Ex.R-6, the base price per acre comes to Rs.11-12 lakhs, however, as per the award dated 25.04.2011 passed by the LAC, the landowner(s) have been awarded the market value @ Rs.20 lakhs per acre, which is almost two times than that of the amount derived from the sale instances Ex.R-1 to R-5. The relevant extract from the award dated 25.04.2011 (Ex.R-8) is reproduced hereunder:-

> "**MARKET VALUE:-**
>
> *In order to arrive at a conclusion about the market value of the land under acquisition, Haryana Government has constituted a Divisional Level Land Rates Fixation Committee under the Chairmanship of concerned Commissioner of the Division. The District Collector Rewari, who is the member of the said committee, was requested to supply the market rate of the land under award. District Collector Rewari supplied the land rates Rs.20,00,000/- per acre for all type of land vide his office letter No.1393-96/DRA dated 30-12-2010. In view, of the above discussion and market rates intimated by Collector District Rewari, I have come to the conclusion that market rates fixed by the Divisional Level Land Rates Fixation Committee, are just and fair, so I award the same accordingly."*

11. Moreover, a perusal of the award passed by the LAC shows that the market value against the acquired land has been assessed on the basis of proceedings carried out by Divisional Land Fixation Committee under the Chairmanship of the Divisional Commissioner. Thus once, the Divisional Level Land Rate Fixation Committee recommended the market price of Rs.20 lakhs per acre against the acquired land, it was thus, apparent that the

sale deeds Ex.R-1 to R-6 were not reflective of the correct representative market price of the area at the relevant point in time and as such, were required to be discarded. The proceedings of meeting of the Divisional Level Land Rate Fixation Committee dated 28.12.2010 were proved on record as Ex.R-9. The relevant extract therefrom is reproduced hereunder:-

> *"The Committee discussed the average land rates supplied by the Tehsildar Kosli on the basis of sale transactions one year prior to the date of notification u/s 4 of the Land Acquisition Act, Collector rate fixed by the Collector Rewari for registration purpose and floor rates fixed by the Govt. vide policy dated 09.11.2010. District Town Planner Rewari informed the committee that the village Nahar does not fall in the Development Plan of Rewari, Dharuhera and Bawal. After considering all these facts, the committee decided to fix the minimum floor rate as market rate of the land under acquisition being higher than the collector rates and average rates.*

Name of village	*Rate fixed per acre for all kind of land*
1.Nahar	*Rs.20 00 000/-*

Sd./
Khalil Ahmad
District Revenue Officer
Rewari

Sd./
A.Sreenivas, I.A.S.
Deputy Commissioner
Rewari

Sd./
T.K. Sharma, I.A.S.
Commissioner
Gurgaon Division, Gurgaon

Sd./
O.P. Sharma
XEN/M/Garh Canal W/S Division
Charkhi Dadri

Sd./
Madhusmita
D.T.P. Rewari"

12. In the present case, the learned Reference Court re-assessed the market value @ Rs.22 lakh per acre in favour of the landowners while placing reliance upon the following awards:-

Sr. No.	***Award dated /Exhibit***	***In LA Case No.***	***Revenue Estate/date of notification under Section 4 of the 1894 Act***
1	17.01.2015 (Ex.C1)	LA Case No.161/ 2011, titled as 'Babu Lal and others vs. State of	Deodhai/ dated 08.07.2009

		Haryana and ors."	
2.	30.05.2015 (Ex.C-2)	LA Case No.701/ 2013, titled as 'Shish Ram and ors. vs. State of Haryana and ors.'	Rudh/dated 08.06.2007
3.	28.07.2015 (Ex.C-3)	LA Case No.221/ 2011, titled as 'Sardar Singh and ors. vs. State of Haryana and others'	Bawal/dated 08.06.2007

12.1 As per the records, the acquisition in the present case(s) relates to Village Nahar, whereas, the awards Ex.C-1 to Ex.C-3 pertained to different revenue estates of villages Deodhai, Rudh and Bawal, respectively. Moreover, the comparative location of the above mentioned four revenue estates i.e. villages Nahar, Deodhai, Rudh and Bawal has not been established on record by the landowners. In such circumstances, reliance placed by the learned Reference Court upon awards Ex.C-1 to Ex.C3 for assessing the market value in the case(s) in hand may not be justified.

12.2 Besides it, the other evidence produced on record by the landowner(s) is in the form of sale deed dated 01.09.2011 (Ex.PW1/B) relating to 1 kanal 6 marlas (800 sq. yds.) forming part of the same revenue estate of Village Nahar, wherein, the sale consideration was Rs.7,05,000/- with base price per acre of Rs.43,38,461/-. Though, the sale instance Ex.PW1/B pertains to the period post notification under Section 4 of the 1894 Act in the present case(s), however, as per the *akshajara* (Ex.R-7), the same is at a distance of around 13-15 acres from the acquired land and thus, located in close geographical vicinity of the land under acquisition. Pertinently, no evidence has been led by the appellant(s)-State so as to question the *bonafide* of the transaction carried out in the sale instance dated 01.09.2011 (Ex.PW1/B) or even against its sale consideration, which establishes that land parcel forming part of sale deed dated 01.09.2011 (Ex.PW1/B) was of similar nature as that of the acquired land. Under such circumstances, in the absence of there being any other evidence available on record, the sale deed dated 01.09.2011 (Ex.PW1/B) though pertaining to the period post notification of Section 4 of the 1894 Act in the case(s) in hand, can be relied upon in view of the law laid in case of ***Ram Kishan (supra),*** by applying principles of doctrine of de-escalation. Relevant para-25 thereof is extracted hereunder:-

> *"**RELEVANT LEGAL PRINCIPLES***
>
> ***(i) PRINCIPLE OF DE-ESCALATION AND ESCALATION***
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> *25. In Peerappa Hanmantha Harijan (Dead) by Legal Representatives and Others vs. State of Karnataka and Another, (2015) 10 SCC 469, finding that lands which were acquired by a later notification in 1988 were adjacent to the lands acquired in the case in question in 1981, this Court applied the principle of de-escalation. The relevant parts of the judgment are set out hereunder:*
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> *77. Further, the land which has been covered under notification in 1988 is also adjacent to the residential sites which were formed. The landowners in that case produced the sale deeds of the years 1986 and 1988 respectively, which was 2 years and 2 months earlier respectively to the notification issued in the year 1988 and some of which were two to three years earlier. Taking the said relevant facts into consideration, the High Court of Karnataka redetermined the compensation at Rs 7.5 per square feet of land bearing Survey No. 389 covered in award passed in MFA No. 3796 of 2005 and Cross-Objection No. 213 of 2005 after giving deduction towards the developmental charges, de-escalation and conversion charges. The same method should be applied in the case on hand.*
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> *78. Further, the High Court ought to have taken into consideration the relevant fact that though the final notification for the land covered in MFA No. 3796 of 2005 and Cross-Objection No. 213 of 2005 was in the year 1988, it was for industrial development and the said land was*

also leased in favour of the allottee Company by KIADB to be used for the industrial development. The land along with the other lands covered in the 1981 notification was also acquired by the State Government for the purpose of the industrial development and allotted to the Company for the development of the industrial estate. Therefore, apart from the fact that there was a gap of 7 years in which the lands of the appellants were notified for acquisition to the land covered in MFA No. 3796 of 2005 and Cross-Objection No. 213 of 2005, it is an admitted fact that there is similarity in the nature of the land and the purpose for which they were acquired.

80. As per the survey conducted by the State Government, it is an undisputed fact that mineral is available in the land and the Company is extracting the same to be used as raw material for the manufacture of cement in its factory. Therefore, though the land in the present case is a short distance away from the lands covered in MFA No. 3796 of 2005 and Cross-Objection No. 213 of 2005, both have been acquired for the purpose of industrial development and sought to be used for the same purpose by the Company. The land of the appellants herein along with other lands that was acquired vide notification in 1981 has been allotted in favour of the Company for the purpose of extracting the mineral of limestone which is the raw material used for the purpose of manufacturing the cement used for the commercial purpose. Therefore, the land of the appellants is acquired for the non-agricultural potentiality and the same is used for commercial purpose. Therefore, determining deductions towards deescalation at 5% per year for 7 years and 10% towards waiting and other incidental charges would justify the redetermination of the market value of the land of the appellants."

13. In view of the discussion made hereinabove, for the time gap of almost 17 months between the date of notification under Section 4 of the 1894 Act in the case in hand i.e. 10.03.2010 to the date of sale instance dated 01.09.2011 (Ex.PW1/B), a deduction @ 18% towards de-escalation needs to be applied over the base price derived from the said sale instance (Ex.PW1/B) which comes to Rs.35,57,538/- (approx.). Furthermore, taking into account the fact that the land parcel forming part of sale instance dated 01.09.2011 (Ex.PW1/B) is located at a distance of 13-15 acres away from the acquired land besides the same being a small parcel of 1 kanal 6 marlas

vis-a-vis the acquired land of 74 kanals 7 marlas, a cut of 30% needs to be applied towards its base price derived from the said sale instance.

14. Further, taking into account the fact that the acquisition in the present case related to the public purpose namely, for construction of Nahar Minor, appellant-State did not suffer any loss of land or incurred any cost towards providing of additional infrastructural amenities, thus, no development cut was required to be applied.

15. Moreover, in the humble opinion of this Court, the respondent(s)-landowner(s) have not led any evidence on record so as to establish any kind of loss or damage to their land holdings or any kind of severance thereto. As such, in the absence of any such evidence, the claim of the landowner(s) with respect to damages against severance cannot be accepted and the same is therefore, declined.

16. Accordingly, for the reasons recorded herein above and applying the aforesaid deduction, the market value of the acquired land as on the date of notification under Section 4 of the 1894 Act in the case in hand thus, comes to Rs.24,90,276/- per acre. The landowners shall also be entitled for all other statutory benefits and interest including the benefit of solatium and interest thereupon.

17. In view of the aforesaid discussion, the appeals filed at the instance of landowner(s) are partly allowed, whereas, the appeals filed at the instance of State are hereby dismissed.

18. Further, in case of unfortunate demise of any of the respondents-landowners, if the legal heir(s)-legal representative(s) have not been brought on record, they shall be entitled for filing exemption

applications in their own names being legal heirs or legal representatives of the deceased-landowners; subject of course to any testamentary document created by the deceased.

19. Pending application, if any, also stands disposed of.

23.02.2026 **(HARKESH MANUJA)**
sonika **JUDGE**

Whether speaking/reasoned: Yes
Whether reportable: Yes

Sr. No.	Case No.
1.	RFA-327-2017 (O&M)
2	RFA-368-2017 (O&M)
3	RFA-4391-2016 (O&M)
4	RFA-4403-2016 (O&M)
5	RFA-4444-2016 (O&M)
6	RFA-4392-2016 (O&M)
7	RFA-4393-2016 (O&M)
8	RFA-4394-2016 (O&M)
9	RFA-4395-2016 (O&M)
10	RFA-4397-2016 (O&M)
11	RFA-4398-2016 (O&M)
12	RFA-4399-2016 (O&M)
13	RFA-4396-2016 (O&M)
14	RFA-4400-2016 (O&M)
15	RFA-4401-2016 (O&M)
16	RFA-4402-2016 (O&M)
17	RFA-5087-2017 (O&M)
18	RFA-818-2016 (O&M)
19	RFA-819-2016 (O&M)
20	RFA-820-2016 (O&M)
21	RFA-821-2016 (O&M)
22	RFA-822-2016 (O&M)
23	RFA-823-2016 (O&M)
24	RFA-824-2016 (O&M)
25	RFA-825-2016 (O&M)
26	RFA-826-2016 (O&M)

27	RFA-827-2016 (O&M)
28	RFA-828-2016 (O&M)
29	RFA-829-2016 (O&M)
30	RFA-830-2016 (O&M)
31	RFA-831-2016 (O&M)
32	RFA-832-2016 (O&M)
33	RFA-833-2016 (O&M)
34	RFA-834-2016 (O&M)
35	RFA-835-2016 (O&M)
36	RFA-836-2016 (O&M)
37	RFA-837-2016 (O&M)
38	RFA-838-2016 (O&M)
39	RFA-868-2016 (O&M)

23.02.2026 **(HARKESH MANUJA)**
sonika **JUDGE**