

2026:PHHC:003728



137(20 cases) **IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

RFA-6578-2014 (O&M)
Decided on:-13.01.2026

Suraj Bhan and othersAppellants..

vs.

State of Haryana and othersRespondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. B.K. Bagri, Advocate,
for the appellants-landowners/cross-objector.

Mr. Abhinash Jain, DAG, Haryana.

HARKESH MANUJA J. (Oral)

1. Vide this common judgment, batch of total 20 connected Regular First Appeals alongwith cross-objections 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-6578-2014 (O&M).

2. By way of present appeal, challenge has been laid to an Award dated 31.03.2014 passed by the 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 Bawal, Tehsil Bawal, District Rewari, was acquired vide notifications dated 12.03.2008 and 08.04.2008, issued under Sections 4 & 6 respectively of the 1894 Act. The total land under acquisition was 06 Acre, 4 kanal and 2 marla. The acquisition was for the public purpose, namely, for construction of disposal and sewage treatment plant for providing sewerage facilities in Bawal Town. The Land Acquisition Collector vide its Award dated 29.07.2008, assessed the market value of the acquired land @ Rs.16 lakhs per acre with all 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 Award dated 31.03.2014, enhanced the market value of the acquired land to Rs.20 lakhs per acre alongwith all other statutory benefits under the 1894 Act.

5. Feeling dissatisfied with the aforesaid award passed by the learned Reference Court, the State as well as landowners preferred the appeals/cross objections, details whereof are mentioned at the bottom of the judgment.

6. Impugning the aforementioned award, learned counsel for the appellants-landowners submits that the learned Reference Court went wrong having discarded the sale deeds Ex.P-1 to Ex.P-7 produced by the appellants-landowners merely for the reason that the said sale deeds related to small parcels of land. In support, learned counsel places reliance upon a decision rendered by the Hon'ble Apex Court in "***Horrmal (since deceased) thr. Lrs. and ors. vs. State of Haryana and and others***", reported as **2024**

INSC 797. Relevant paragraphs are extracted hereunder:-

“27. In the instant case, there are multiple sale deeds of smaller plots, and these represent the best available evidence for estimating compensation. Since there is no legal impediment to considering such sale deeds, the logical progression in the compensation estimation process would be to identify the most suitable sale deed(s) for determining the market value and subsequently, to apply adequate deductions on the same. The solution to this state of flux may thus be found in the case of Mehrawal Khewaji Trust v. State of Punjab,¹² where this Court laid down as follows:

"It is clear that when there are several exemplars with reference to similar lands, it is the general rule that the highest of the exemplars, if it is satisfied that it is a bona fide transaction, has to be considered and accepted. When the land is being compulsorily taken away from a person, he is entitled to the highest value which similar land in the locality is shown to have fetched in a bona fide transaction entered into between a willing purchaser and a willing seller near about the time of the acquisition."

[Emphasis supplied]

28. This view has been reiterated in Sh. Himmat Singh v. State of M.P.,¹³ where a three-judge bench of this Court consolidated various precedents to affirm that in circumstances where there are multiple sale deeds available for consideration, the Court shall rely on the highest valued exemplars unless the prices fall within a narrow range, in which case calculating an average of the values therein may be more congruous.

29. In these extenuating circumstances, there exists significant disparity among the sale exemplars presently under consideration. Amongst these sale exemplars, being Ex. P2-P8 and Ex. P10, the highest sale instance values the land at Rupees 1,81,33,867 per acre, whereas the lowest values it at Rupees 16,94,000 per acre. Given this wide range and in light of the judicial precedents cited above, we are of the opinion that we should rely upon the highest sale exemplar, which

is Ex. P5, rather than solely depending upon an average of the multiple sale deeds produced before us.

Despite the Respondents' vehement contention that Ex. P5 should not be relied upon owing to it being a significantly smaller parcel of land- the detailed analysis conducted above indicates no reason why Ex. P5 cannot be utilised to determine the amount of compensation to be awarded to the Appellants for the acquired land.”-

6.1 Learned counsel also points out that for smallness of area involved in the sale deeds Ex.P-1 to Ex.P-7, suitable deduction could have been applied and thereafter, market value needed to be reassessed. He thus submits that the award passed by the learned Reference Court is required to be modified accordingly by awarding suitable enhancement in favour of the appellants-landowners.

7. On the other hand, learned counsel appearing on behalf of the respondent-State submits that none of the sale instances Ex.P-1 to Ex.P-7 were to be relied upon as the land forming part of those sale instances fell within the municipal limits of village Bawal whereas, the land under acquisition was situated beyond the boundaries of municipal limits of Bawal and thus, differed on accounts of both location and potential, comparatively. Learned State counsel further submits that the sale instances Ex.P-1 to Ex.P-7 produced by the appellants-landowners related to extremely small parcels of land and thus, were rightly discarded by the learned Reference Court. He also submits that the learned Reference Court was required to take into account sale instances Ex.R-2 and Ex.R-3 as per which the sale price per acre was approximately Rs.9 lakh to Rs.15 lakhs and thus, no interference was called for with the award passed by the learned Reference Court and the appeals preferred at the instance of appellants-landowners were liable to be

dismissed.

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 appellants-landowners.

9. Before proceeding further on merits, it is relevant to take note of sale instances produced by both the parties, as such, the same in the tabulated form are reproduced hereunder:-

Exhibits	Sale deed No./dated	Area	Sale price	Land details	Amount per acre
Ex.P1	966 dated 08.08.2007	10 marla	Rs.9,00,000/-	123-3/2/4(0-17),4/1(1-9),8/3(2-12),7/1(1-0)	Rs.1,44,00,000/-
Ex.P2	970 dated 09.08.2007	9 marla	Rs.8,40,000/-	124-3/2/4(0-)4/1(1-9), 8/3(2-12),7/1(1-0)	Rs.1,49,33,333/-
Ex.P3	982 dated 13.08.2007	7 marla	Rs.6,00,000/-	124-3/2/4 (0-17) 4/1(1-9), 8/3(2-12), 7/1(1-0)	Rs.1,37,14,285/-
Ex.P4	1075 dated 27.08.2007	5 marla	Rs.4,15,000/-	124-3/2/4 (0-17) 4/1(1-9), 8/3(2-12), 7/1(1-0)	Rs.1,32,80,000/-
Ex.P5	1160 dated 10.09.2007	9 marla	Rs.6,50,000/-	124-3/2/4 (0-17) 4/1(1-9), 8/3(2-12), 7/1(1-0)	Rs.1,15,55,555/-
Ex.P6	1167 dated 11.09.2007	3 marla	Rs.2,50,000/-	121-8/1(4-0),3/80	Rs.1,33,33,333/-
Ex.P7	1169 dated 11.09.2007	1 marla	Rs.83,000/-	121-13(3-1),1/61	Rs.1,32,80,000/-
Ex.R-2	214 dated 10.05.2010	3 kanal 14 marla	Rs.4,30,000/-	123-3/11	Rs.9,30,000/-
Ex.R-3	169 dated 08.05.2008	4 kanal 4 marla	Rs.8,00,000/-	28-227-8/1,13	

A perusal of the above shows that the two sale deeds Ex.R-2 and Ex.R-3 produced by the respondents pertain to the period post notification issued under Section 4 of the 1894 Act in the present case and

thus, the same need not to be relied upon.

10. Further, the sale deeds Ex.P-1 to Ex.P-7 produced by the appellants-landowners are dated prior to the notification issued under Section 4 of the 1894 Act. Though, the said sale instances pertained to small parcels of land measuring 1 marla to 10 marla, however, the same cannot be ignored merely on the said ground, in view of the exposition of law by the Hon'ble Supreme Court in ***Horrmal's case (supra)***.

As a matter of record, all the sale instances Ex.P-1 to Ex.P-7 pertained to the same revenue estate of Town Bawal, District Rewari. No evidence has been led by the respondents so as to raise any kind of suspicion about the genuineness or *bonafide* of the transactions carried out under the sale instances Ex.P-1 to P-7.

11. Vide order dated 05.05.2025, this Court with the consent of the parties had taken on record a layout plan marking the location of the acquired land in comparison to the sale deeds produced by the appellants-landowners. A perusal thereof shows that the land parcels forming part of sale instances produced by the appellants-landowners fall in the municipal limits of Bawal Town whereas the land under acquisition is situated outside those limits. However, from the said layout plan, it can be discerned that the land under acquisition is located in close proximity to the municipal limits of Bawal Town. In fact, the municipal limits of Bawal Town and the land under acquisition are bifurcated only by a road from Bawal to Raipur.; located exactly opposite.

A perusal of layout plan further shows that there is an approximate distance of around 1 km between the land parcels under sale

instances Ex.P-1 to Ex.P-5 and the acquired land. Out of the sale instances Ex.P-1 to Ex.P-7, the sale instance Ex.P-2 dated 09.08.2007 for an area measuring 9 marla against sale consideration of Rs.8,40,000/- with the base price per acre of Rs.1,49,33,333/-, is the sale instance fetching the highest sale price and therefore needs to be relied upon. However, considering the fact that the acquisition in the present case relates to 6 acres 4 kanals and 2 marla of land whereas the sale instance Ex.P-2 pertains to 9 marlas only, as such a deduction of 60% is required to be applied towards smallness of land. Further, on account of distance of around 1 km between the land parcel forming part of sale deed dated 09.08.2007 Ex.P-2 and the land under acquisition, an additional cut of 10% needs to be applied. No development cut needs to be applied in the present case as the purpose of acquisition of land was for construction of sewerage facilities.

12. Accordingly, for the reasons recorded herein above, the market value of the acquired land as on the date of notification issued under Section 4 of the 1894 Act in the present case by placing reliance upon sale deed 09.08.2007 Ex.P-2, comes to Rs.44,80,000/- rounded off. The appellants-landowners shall also be entitled for all other statutory benefits and interest including the benefit of interest on solatium.

13. In view of the aforesaid discussion, the appeals/cross objections filed at the instance of landowners are partly allowed, whereas, the appeals filed at the instance of State are hereby dismissed.

14. 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.

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

13.01.2026
sonika

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No

(HARKESH MANUJA)
JUDGE

Sr. No.	Case No.
1.	RFA-6578-2014 (O&M)
2	RFA-709-2015 (O&M)
3	RFA-710-2015 (O&M)
4	RFA-711-2015 (O&M)
5	RFA-712-2015 (O&M)
6	RFA-713-2015 (O&M)
7	RFA-714-2015 (O&M)
8	RFA-715-2015 (O&M)
9	RFA-716-2015 (O&M) with X-Obj-54-CI-2025
10	RFA-717-2015 (O&M)
11	RFA-718-2015 (O&M) with X-OBJ-66-CI-2015
12	RFA-719-2015 (O&M) with XOBJ-53-CI-2015
13	RFA-720-2015 (O&M)
14	RFA-8453-2014 (O&M)
15	RFA-8454-2014 (O&M)
16	RFA-9125-2014 (O&M)
17	RFA-9138-2014 (O&M)
18	RFA-9593-2014 (O&M)
19	RFA-9594-2014 (O&M)
20	RFA-9595-2014 (O&M)

13.01.2026
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(HARKESH MANUJA)
JUDGE