



125 (45 cases)

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

**RFA No. 727 of 2015 (O&M)
and “44” connected cases
Date of Decision: 12.03.2026**

Ram Mehar

...Appellant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Bhumika Khatri, Advocate for
Mr. Ram Darshan Yadav, Advocate
for the appellant(s)-landowner(s).
(in RFA Nos. 727, 728, 729, 730, 731, 769, 770, 771,
772, 774, 775, 773, 817, 948, 1497 & 2243 of 2015)

Mr. Abhinash Jain, Deputy Advocate General, Haryana
for the respondent(s), assisted by Mr. Ajay Kumar, SDO,
Water Services, Sub Division No. 2, Rewari.

HARKESH MANUJA, J. (ORAL)

This order shall dispose off the present forty-five (45) appeals bearing RFA Nos. **727 (lead case)**, 728, 729, 730, 731, 769, 770, 771, 772, 773, 774, 775, 817, 948, 1497, 2243, 2594, 2595, 2596, 3104, 3349, 3350, 3351, 3352, 3353, 3354, 3355, 3356, 3357, 3358, 3359, 3360, 4530, 4553, 4922, 4923, 4924, 4925, 5267, 5268, 5269, 5837 & 5928 of 2015; 370 & 1156 of 2016; 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. 727 of 2015, the appeal filed by landowner-Ram Mehar.

[3] The appellant(s)-landowner(s), having instituted the aforesaid appeal(s), preferred under Section 54 of the Land Acquisition Act, 1894 (**for short “1894 Act”**), sought modification of the award dated 28.08.2014 passed by the learned Additional District Judge, Rewari (**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	26.02.2009 (published on 10.03.2009)
Final declaration under Section 6 of the Land Acquisition Act, 1894	14.07.2009 (published on 28.07.2009)
Area	16.874 acre
Village	Rewari (3.594), Fideri (0.325), Bhagwanpur(2.212), Chitarpuri (3.931), Pohakarpur (1.912), Budana (1.33), Budani (3.57)
District	Rewari
Purpose	Construction of Bhagwanpur Budana Distributory from Km. 0.000 to 4.560
Land Acquisition Collector’s Award No. & Date	2 dated 25.03.2010 Fideri (0.325) 3 dated 25.03.2010 Bhagwanpur(2.212) 4 dated 25.03.2010 Chitarpuri (3.931) 5 dated 12.05.2010 Rewari (3.594) 6 dated 12.05.2010 Pohakarpur (1.912) 7 dated 13.05.2010 Budana (1.33) 8 dated 13.05.2010 Budani (3.57)
Land Acquisition Collector’s Award	Rs. 16 Lacs per acre for Award Nos. 2 to 4 & 6 to 8; while Rs. 19 Lakh per acre for award No.5.
Reference Court’s Award date	28.08.2014
Reference Court’s Award	Rs. 24.00 lakh per acre

[5] Dissatisfied with the award dated 28.08.2014 passed by the learned Reference Court, the present appeal(s) have been preferred at the instance of appellant(s)-landowner(s).

CONTENTION(S):

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

[6] Impugning the aforesaid award dated 28.08.2014, learned counsel(s) for the appellant(s)-landowner(s) submits that the learned Reference Court though rightly relied upon the sale instances Exhibits P-16 to P-19, however, to record a finding that the value of the acquired land was around Rs. 30 lakhs per acre, the learned Reference Court erred while taking average thereof instead of relying upon the sale deed fetching the highest sale price. Learned counsel also points out that the learned Reference Court went wrong having applied deduction of 20% upon the average sale price derived from sale instances Exhibits P-16 to P-19 even without recording any justified reasons in support thereof. She thus submits that the market value of the acquired land was required to be re-assessed by taking into account the sale instances fetching the highest sale price and prays that the appeals preferred at the instance of landowners be allowed.

ON BEHALF OF RESPONDENT(S)-STATE OF HARYANA

[7] On the other hand, learned State Counsel representing the respondents submits that the sale instances Exhibits P-9 to P-11 & P-15 were rightly discarded by the learned Reference Court as they pertained to small parcels of land and were located at a distance of approximately 40 to 100 acres from the acquired land.

[7.1] Learned State Counsel further points out that 20% deduction was appropriately applied by the learned Reference Court towards development cost and thus, the appellant(s)-landowner(s) were adequately compensated.

[7.2] Lastly, learned State Counsel submits that the award passed by the learned Reference Court being based upon proper appreciation of pleadings and the evidence available on record, calls for no interference and the appeal(s) in hand 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] It is not in dispute that neither any cross-appeal nor cross-objections were filed at the instance of respondent(s)-State of Haryana, assailing the award passed by the learned Reference Court.

[10] Learned State Counsel assisted by Sh. Ajay Kumar, SDO, Water Services, Sub Division No. 2, Rewari, who is even present in Court, after having gone through the records has provided a chart containing the details of the **sale instances produced by the appellant(s)-landowner(s)** alongwith the distance of the land parcels involved therein from the acquired land. For the convenience of this Court, the said details are re-produced hereunder:-

Exhibit on sale deeds	Sale Deed No. / Date of execution	Area in kanals and marlas	Sale consideration (In Rs.)	Rate per acre (In Rs.)	Revenue estate (village)	Distance from acquired land
Ex P9	4314/ 10.10.2008	10 marla	12,60,000/-	2,01,60,000/-	Rewari	50 acre
Ex.P10	8977/ 24.03.2008	07 marla	16,26,640/-	3,71,80,320/-	Rewari	40acre
Ex. P11	2688/ 28.07.2008	09 marla	19,32,000/-	3,43,46,666/-	Rewari	100acre
Ex.P12	409/ 24.04.2008	01 kanal	3,69,000/-	29,52,000/-	Rewari	33 acre
Ex.P13	868/ 14.05.2008	02 kanal	7,38,000/-	29,52,000/-	Rewari	20 acre
Ex.P14	1040/ 21.05.2008	02 kanal	7,38,000/-	29,52,000/-	Rewari	20 acre

Ex.P15	1717 16.06.2008	01 kanal	15,47,500/-	1,23,80,000/-	Rewari	50 acre
Ex.P16	4092/ 01.10.2008	16 K-15M	62,81,250/-	29,12,260/-	Budana	02 acre
Ex.P17	4090/ 01.10.2008	06 K-13 M	24,93,750/-	30,00,000/-	Budana	17 acre
Ex.P18	4091/ 01.10.2008	10K-19M	41,06,250/-	30,00,000/-	Budana	17 acre
Ex.P19	4826/ 03.11.2008	05K-13M	26,00,000/-	36,80,000/-	Budana	14 acre

[10.1] A copy of the above chart provided by the learned State Counsel has also been handed over to the learned counsel representing the appellant(s)-landowner(s), who has not controverted the same.

[10.2] A perusal of the above chart shows that the land parcels involved in the sale instances Exhibits P-9 to P-11 and P-15 were located at a distance of approximately 40 to 100 acres from the acquired land, besides even relating to small parcels of land. As such, the land parcels involved in the above-mentioned sale instances cannot be relied upon as they are not of similar nature and potential *vis-a-vis* the acquired land. Further, the sale instances Exhibits P-12 to P-14 and P-16 to P-19 are located in close vicinity of the acquired land; thus need to be considered while assessing the market value in the present case(s). The details of the sale instances Exhibits P-12 to P-14 and P-16 to P-19 are recapitulated hereunder:-

Exhibit on sale deeds	Sale Deed No. / Date of execution	Area in kanals and marlas	Sale consideration. (In Rs.)	Rate per acre (In Rs.)	Revenue estate (village)	Distance from acquired land
Ex.P12	409/ 24.04.2008	01 kanal	3,69,000/-	29,52,000/-	Rewari	33 acre
Ex.P13	868/ 14.05.2008	02 kanal	7,38,000/-	29,52,000/-	Rewari	20 acre
Ex.P14	1040/ 21.05.2008	02 kanal	7,38,000/-	29,52,000/-	Rewari	20 acre
Ex.P16	4092/ 01.10.2008	16 K-15M	62,81,250/-	29,12,260/-	Budana	02 acre

Ex.P17	4090/ 01.10.2008	06 K-13 M	24,93,750/-	30,00,000/-	Budana	17 acre
Ex.P18	4091/ 01.10.2008	10K-19M	41,06,250/-	30,00,000/-	Budana	17 acre
Ex.P19	4826/ 03.11.2008	05K-13M	26,00,000/-	36,80,000/-	Budana	14 acre

[10.3] A perusal of the above sale instances Exhibits P-12 to P-14 and P-16 to P-19 shows that the sale consideration reflected in these sale deeds is closely range-bound between Rs.29,52,000/- per acre to Rs. 36,80,000/- per acre.

[11] Further, it also transpires from the record and as apprised by Sh. Ajay Kumar, SDO, who is present in Court that the land under acquisition starting from Village Rewari to Village Budani falls within the close geographical proximity of *abadi* of Villages. Also, it does not appear that there exists significant difference in the geographical location or topography of the land in both the Villages as these revenue estates are contiguous and abutting to each other. The sale deeds presented before this Court relate to Village Rewari and Budana and considering the uniformity in location and potential of land parcels falling in both the estates, the sale instances Exhibits P-12 to P-14 and P-16 to P-19 need to be taken into account for the purpose of determination of market value in the present case(s).

[12] Keeping in view the discussion made hereinabove and the fact that it is time and again emphasized by the Hon'ble Apex Court that the objective of the 1894 Act is to grant just and fair compensation to the landowners and to determine such definitive value, some guesstimation work has to be done by the Court, since the value of sale consideration reflected in sale instances Exhibits P-12 to P-14 and P-16 to P-19 are closely range-bound between

Rs.29,52,000/- per acre to Rs. 36,80,000/- per acre, this Court is of the opinion that taking average of the seven sale instances would be the most appropriate way to determine the market price in the case(s) in hand. The aforesaid view is also derived from decision of the Hon'ble Apex Court in case of "**Bharat Petroleum Corpn. Ltd. v. Phoolvati Dharambir Agarwal**" reported as **2023 SCC OnLine SC 2162**, whereby it was held that the Courts can deviate from the general principle of taking the highest sale instance by taking average of the sale deed(s) and the same would depend upon the facts of the case. The relevant portions of paragraphs 17 and 20 are extracted hereinbelow:-

"17. We may also hasten to add that though the general practice is of considering the highest sale Exemplar, but, many a time, Courts take an average of relevant sale instances to arrive at the nearest possible market value of the acquired land. Averaging of sale instances, as per judicial precedents, is not wholly impermissible.....

.....True it is that where multiple exemplars are relied upon, and such exemplars relate to adjoining or nearby areas having similar potentiality, the highest bona fide exemplar ought to be the benchmark for estimation of the fair and just value. It is equally true that the Courts do not possess a magic wand to determine the exact and the definitive value of the land and in the process of guess work, the Court would rely upon every possible material brought on record by the parties. Applying the principle of guesstimate for fixation of fair and just market value of the acquired land, we thus deem it appropriate to rely upon (i) the sale instance(s) of highest consideration with appropriate deduction; (ii) the valuation report (Exhibit "C35") which stipulates the fair market value of the land @ Rs.2,50,000/- per ground; and (iii) the average of all the exemplars relied upon by the respondent-claimants. Hence, we are of the firm opinion that the fair and just market value of the acquired land at the relevant time was about

Rs.2,50,000/- per ground. Having held so, we set aside the deductions of 15% towards largeness of the area or 10% as development charges as made by the High Court.....”

[13] Further, Hon’ble Apex Court in case of “**Anjani Molu Dessai vs. State of Goa**” reported as (2010) 13 SCC 710 and in the latest decision of “**Horrmal (Deceased) through his LRs and others vs. State of Haryana**” reported as 2024(4) RCR(Civil) 758, has held that where there are several sale instances of similar nature of land with prices ranging in a narrow bandwidth, the average thereof can be taken as representing the market price. The relevant extract of **Horrmal’s case (supra)** is extracted hereunder:-

“28. This view has been reiterated in **Sh. Himmat Singh v. State of M.P., (2013) 16 SCC 392** 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.”

[14] Accordingly, for award of just and fair compensation to the landowners and taking into account the peculiar circumstances of the case(s) in hand, this Court deems it fit to take average of multiple sale deeds produced on record before this Court for determining the market value in the present case(s). However, considering the location and potential attached to the acquired land, appreciation of 12% needs to be applied for the time gap between the date of sale exemplar and the date of notification under Section 4 of the 1894 Act in the case in hand. Further, it is pertinent to mention here that the appreciation is being awarded only qua the sale deeds wherein the

time period between the date of sale deed and the date of notification is more than six months in case(s) in hand, i.e. Exhibits P-12 to P-14. Applying the same, the average value comes to Rs. 31,85,629.00 per acre as per calculation made hereunder:-

Exhibit / Date of Execution of sale deed (1)	Rate Per Acre (Rs.) (2)	Section 4 Notification Date (3)	Time Period Between Execution & Notification (4)	Interest Rate (5)	Interest Amount (Rs.) (6)	Amount after appreciation (2+6) (Rs.) (7)
P-12/ 24.04.2008	29,52,000/-	26.02.2009	0 Years 10 Months 2 Days	12%	2,98,920/-	32,50,920.00
P-13/ 14.05.2008	29,52,000/-	26.02.2009	0 Years 9 Months 12 Days	12%	2,79,510/-	32,31,510.00
P-14/ 21.05.2008	29,52,000/-	26.02.2009	0 Years 9 Months 5 Days	12%	2,72,716/-	32,24,716.00
P-16/ 01.10.2008	29,12,260/-	26.02.2009	0 Years 4 Months 25 Days	--	--	29,12,260.00
P-17/ 01.10.2008	30,00,000/-	26.02.2009	0 Years 4 Months 25 Days	--	--	30,00,000.00
P-18/ 01.10.2008	30,00,000/-	26.02.2009	0 Years 4 Months 25 Days	--	--	30,00,000.00
P-19/ 03.11.2008	36,80,000/-	26.02.2009	0 Years 3 Months 23 Days	--	--	36,80,000.00
			Total			2,22,99,406.00
	Average of sale deeds		Rs. 2,22,99,406 ÷ 7			31,85,629.42
	Net amount					31,85,629.00 (Round Off)

[15] Insofar as the smallness of the land parcels forming part of the seven sale exemplars measuring 1 kanal, 2 kanals, 2 kanals, 16 kanals - 5 marlas, 6 kanals – 13 marlas, 10 kanals – 19 marlas, 5 kanals – 13 marlas respectively (total measuring 44 kanals–10 marlas), vis-a-vis the acquired land measuring 16.874 acres, is concerned, this Court having adopted the average of the aforementioned sale instances for determining the market value in the case(s) in hand, is not inclined to apply any such deduction. Had the determination been based solely on the sale exemplar fetching the highest sale consideration, an appropriate deduction on account of the comparatively small size of the land parcel involved therein may have been warranted; however, that is not the position in the present

matter(s), thus, no deduction is made towards smallness of area herein.

[16] Furthermore, in the given facts and circumstances, no deduction towards the development cost needs to be applied as the acquisition proceedings were carried out for the public purpose of construction of Bhagwanpur Budana Distributory from Km. 0.000 to 4.560 and the respondent(s)-State neither suffered any loss of land nor did it incur any cost towards providing of additional infrastructural amenities.

[17] Accordingly, the market price for the acquired land as on the date of notification under Section 4 of the 1894 Act in the case(s) in hand comes to **Rs. 31,85,629.00 per acre**, as per average of seven sale deeds Exhibits P-12 to P-14 & P-16 to P-19.

DECISION

[18] In view of the aforesaid discussion, impugned award dated 28.08.2014 passed by the learned Reference Court is modified and the appellant(s)-landowner(s) are held entitled for award of market value at the rate of **Rs. 31,85,629.00 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.

[19] 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.

