

2026-PHHC:054301



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
RFA-1173-2017 and other connected cases
Date of Decision: April 08, 2026

STATE OF HARYANA THROUGH COLLECTOR, DISTRICT
MOHINDERGARH AT ARNAUL AND OTHERSAppellants
 Versus
DATA RAM AND OTHERSRespondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Abhinash Jain, DAG, Haryana.

Mr. Mukesh Yadav, Advocate for respondents in
 RFA-1183, 1641, 1647, 1751 and 2049 of 2017.

Ms. Deepika, Advocate for respondent in RFA-1639-2017
 and for appellants in RFA-4949-2016.

Mr. Aditya Yadav, Advocate and
 Mr. Viransh, Advocate for the appellants in RFA-902-2017
 and for respondents in RFA-1179-2017.

Mr. Sahib Singh, Advocate and
 Ms. Indu Bala, Advocate for
 Mr. Aditya Jain, Advocate for the appellants in RFA-670-2017.

Mr. M.S. Randhawa, Advocate for the appellants
 in RFA-3447-2017.

HARKESH MANUJA, J. (ORAL)

Vide this common order, a batch of 44 Regular First Appeals shall stand disposed of, details of which are mentioned in the footnote of the judgment. For convenience, the facts are culled out from **RFA-1173-2017**.

2. By way of present appeal(s), challenge has been laid to the judgment dated 07.09.2016 passed by the learned Additional District Judge, Narnaul (hereinafter referred to as the '**Reference Court**')

whereby, the reference petition filed under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as '**the Act**') by the landowners, seeking enhancement of compensation was partly allowed.

3. Briefly stating, certain land, situated within the revenue estate of Villages Kirarod Afgan, Lahroda and Nasibpur, District Mahendragarh was acquired for the public purpose, namely, "*for construction of augmentation of water supply for village of Nangal Chaudhary Block*" vide notifications dated 17.12.2010 and 18.05.2011 issued under Sections 4 and 6 respectively of the Act. The Land Acquisition Collector (for short '**the LAC**') vide three separate awards assessed the market value at uniform rate of Rs.30,00,000/- per acre.

4. The landowners, feeling dissatisfied with the award, sought reference under Section 18 of the Act pleading that the price of acquired land was not less than Rs.10,000/- per square yard as the same was located adjacent to the main Road. Moreover, it was pleaded that while determining the amount of compensation, the LAC did not take into consideration various sale deeds, resultantly, undervaluing the price of the acquired land.

5. Upon notice, the same was contested by the respondent(s)-State by way of written statement pleading that the amount awarded by the LAC was fair, adequate and reasonable.

6. Upon framing of the issues and after considering the evidence produced by both the parties, the learned Reference Court, vide award dated 07.09.2016 enhanced the amount of compensation to Rs.54,00,000/- per acre.

7. Aggrieved of the aforesaid award dated 07.09.2016 passed by the learned Reference Court, the State as well as the landowners preferred the present appeal(s).

CONTENTION(S):

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

8. Impugning the aforementioned award, learned counsel for the State submits that the learned Reference Court erred having discarded the sale instances produced by the State as per which market value per acre for the acquired land varied between Rs.11,50,000/- to Rs. 16,00,000/-. He further asserts that, keeping in view the sale price reflected in the aforementioned sale deeds, no interference was called for with the award passed by the LAC, whereby the landowners sufficiently compensated at the market value @ Rs. 30,00,000/- per acre.

8.1. Learned State counsel also points out that in the given facts and circumstances, the two sale instances produced by the landowners in the form of Ex.P-2 (dated 24.09.2009) and Ex.P-3 (dated 22.11.2010) each pertaining to 2 kanals of land, related to small parcels of land thus, ought to have been discarded by the learned Reference Court. He thus prays that taking into account the evidence led by the appellants, the award passed by the learned Reference Court was liable to be set aside and that of the LAC was to be restored.

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

9. *Per Contra*, learned counsel for the landowners submits that though the learned Reference Court rightly placed reliance upon the sale deed dated 22.11.2010 (Ex.P-3) vide which 2 kanals of land was sold for Rs.27,00,000/- with the base price per acre of Rs.1,08,00,000/-, however, deduction @ 50% made therein towards smallness of area was highly

excessive. He thus, prays that on the basis of evidence 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 and the appeal(s) preferred by State were to be dismissed.

DISCUSSION AND REASONING: -

10. I have heard learned counsel for the parties and gone through the paper-book.

11. At the outset, the site plan produced by learned State counsel depicting the comparative location of the acquired land *vis-à-vis* the land parcels of the sale deeds produced by both the parties is taken on record as **Mark-‘X’** as the same is going to help this Court to decide the rights of the parties in complete and effective manner. The said site plan has been duly signed by learned State counsel. From the perusal thereof including the materials available on record, it is evident that a compact block of land from three contiguous villages of Kirarod Afgan, Lahroda and Nasibpur was acquired. In other words, although, the acquired land was located in different villages, however, there was not much difference in the geographical location or topography of the land in all these villages as the same were adjoining each other. There is no evidence to establish that the market value of the acquired land located in various contiguous villages was significantly different because of its locational advantage, rather, such uniformity in location and potential stands conceded by the State given that market price of the land was uniformly assessed for all 03 estates by the LAC vide three different awards and subsequently, the learned Reference Court as well.

11.1. Furthermore, a positive finding of fact in this regard was recorded by the learned Reference Court which is reproduced hereunder:-

“22. It is not dispute that the land of village Nasibpur, Lahroda and Kirarod Afgan has been acquired vide one notification under section 4 of the Act on 17.12.2010 and for the same purpose i.e construction of augmentation of water supply scheme 64 No. of villages for Nangal Chaudhary Block. It is also not in dispute that sale deeds Ex. P1 to Ex. P3 pertain to village Nasibpur itself and are in closed vicinity of the acquired land and land was sold vide these sale deeds prior to the issuance of notification under section 4 of the Act. The compensation in case No. 195 RT of 2013 titled as Jai Singh vs. State of Hr. was assessed @ off Rs. 54,00,000/- per acre for the land of village Nasibpur, which is adjacent to village Kirarod Afgan (whereunder the land which is subject matter of the instant case falls) was acquired for the same purpose i.e. construction of augmentation of water supply scheme 64 No. of villages for Nangal Chaudhary Block. In fact, the counsel for respondents could not dispute the fact that the aforesaid sale instances are comparable.....

.....In the instant case also the land was acquired vide notification under Section 4 of the Act on the same date and for the same purpose and the only difference was that in both the cases land belongs to different villages, but there was no difference in the quality and kind of land acquired in both the villages and in fact the lands were contiguous to each other in these villages as it is clear itself from the purpose of the acquisition i.e. construction of augmentation of water supply scheme 64 No. villages for Nangal Choudhary Block.”

Thus, it is clear that the three villages of Kirarod Afgan, Lahroda and Nasibpur were contiguous to one another and shared similar nature and potential value.

12. In order to decide the issue of re-assessment of market value of the acquired land, details of the sale instances produced by the

State as well as landowners in furtherance of their claims are thus, reproduced hereunder:-:

Sale deeds produced by the State:

Exhibits of sale deeds	Date of execution	Area in kanals and marlas	Sale consideration (In ₹)	Rate per acre (In ₹)	Revenue estate (village)
RW1/C	04.10.2010	4 k 10 marlas	8,90,000/-	15,82,222/-	Kirarod Afgan
RW1/D	24.12.2010	14 k 9 marlas	20,80,000/-	11,51,557/-	Kirarod Afgan
RW1/E	14.11.2011	2 k	2,88,000/-	11,52,000/-	Kirarod Afgan
RW1/F	24.11.2011	1 k 15 marlas	2,52,000/-	11,52,000/-	Kirarod Afgan

Sale deeds produced by the landowners:

Exhibits of sale deeds	Date of execution	Area in kanals and marlas	Sale consideration (In ₹)	Rate per acre (In ₹)	Revenue estate (village)
P1	01.10.2008	7 marlas	5,17,500/-	1,18,28,571/-	Nasibpur
P2	29.04.2009	2 k	28,00,000/-	1,12,00,000/-	Nasibpur
P3	22.11.2010	2 k	27,00,000/-	1,08,00,000/-	Nasibpur

12.1. A perusal of the above table shows that the three sale deeds produced by the respondents in the form of Exs. RW1/D, RW1/E, and RW1/F pertained to period post-notification under Section 4 of the Act in the case(s) in hand and thus, need not be relied upon for the purposes of determination of the market value in the case(s) in hand.

12.2. Pertinently, the fixation of market value by the LAC, vide its award dated 16.11.2011 was based on the valuation done by the Divisional Level Price Fixation Committee, which was headed by Divisional Commissioner, Gurugram, with Sub-Divisional Officer, Civil, Narnaul, District Revenue Officer, Narnaul and Sub-Divisional Engineer, Public Health Department, Division No. 4, Narnaul as its Members. Further, a perusal of the proceedings of the Divisional Level Price Fixation Committee held on 15.07.2011; produced on record as Ex.

DW/1B, shows that the recommendation with respect to the fixation of market price at the rate of Rs. 30,00,000/- per acre was made by the Committee after considering the prevalent Collector rate, *Chhant* rate, the average sale price, market value, and the minimum floor rate of the area; whichever was the highest.

12.3. However, in the case(s) in hand, while assessing the market value of the compulsorily acquired land, the market value needs to be assessed by considering the highest price of the land which a willing buyer is ready to pay to a willing seller at the relevant point of time. Thus, once the sale instance dated 04.10.2010 (Ex. RW-1/C) vide which 4 kanals 10 marlas of the land forming part of the revenue estate of village Kirarod Afgan was alienated for a sum of Rs.8,90,000/- with the base price of Rs. 15,82,222/- which was approximately half of the value assessed by the LAC @ Rs.30,00,000/- per acre, it cannot be considered to be a *bona fide* sale transaction reflecting representative market value of the acquired land and thus, cannot be relied upon for assessing the market value in the case(s) in hand.

13. On the other hand, the landowners produced three sale instances. A perusal of the site plan Mark-'X' depicts the location of Ex.P1 to Ex.P3 *vis-à-vis* the acquired land. All the three sale deeds produced by the landowners pertained to the revenue estate of village Nasibpur. As discussed hereinabove, the acquired land parcel in all three villages of Kirarod Afgan, Lahroda and Nasibpur were adjoining and had uniform nature and potential value. Even before this Court, similar comparative locational and potential value of all the 03 villages was not disputed by either of the parties, therefore, the sale instances pertaining to revenue estate of Nasibpur could be safely relied upon for assessing

the uniform market price for land parcels falling in all the 03 estates in the present case(s).

13.1. Further, considering the fact that the land parcels forming part of sale instances produced by landowners are located merely at a distance of 25 to 30 acres from the acquired land, thus, having similar nature and potential value need to be taken into account. However, since the sale instance dated 01.10.2008 (Ex.P1) pertains to merely 7 marlas of land; extremely small area it may not be thus, safe to rely upon the same in the given facts. Out of the remaining two, the sale deed dated 29.04.2009 (Ex.-P2), by which 2 kanals of land was sold for Rs. 28,00,000/- with base price of Rs. 1,12,00,000/- per acre, fetched higher sale price as compared to the sale instance dated 22.11.2010 (Ex.P3), therefore, the same needs to be relied upon for assessment of the market value in the case(s) in hand.

14. Further, there being a time gap of around 19 months between the date of sale instance dated 29.04.2009 (Ex.P2) and the date of notification under Section 4 of the Act i.e. 17.12.2010 in the present case(s), an appreciation @ 12% per annum needs to be granted in favor of landowners, and the base price per acre in terms of the sale instances Ex.P2 dated 29.04.2009 thus comes to Rs. 1,33,28,000/- per acre.

14.1. Moreover, though it is apparent from the site plan Mark-‘X’ that the acquired chunk of land is geographically located on the National Highway leading from Narnaul to Mahendragarh, thereby, carrying locational and potential advantage attached to it, however, in the given facts and circumstances, wherein the sale exemplar pertained to 2 kanals of land *vis-a-vis* the acquired land measuring 522 kanals 19 marlas, no interference is called for with respect to the deduction applied

by the learned Reference Court @ 50% towards smallness of land parcel involved in the said sale exemplar.

15. In the given facts, since the land was acquired for public purpose, namely, “for augmentation of water supply for village Nagal Chaudhary Block”, the State neither suffered any loss towards optimum utilization of land nor did it incur any expense towards providing of additional infrastructural amenities like parks, roads, green belts or community building etc., thus, no cut towards development cost needs to be applied.

16. In view of the detailed discussions made herein-above the market value with respect to the acquired land as on the date of notification under section 4 of the Act, after applying appreciation @12% per annum and a subsequent deduction of 50% on the price per acre derived from sale exemplar Ex.P-2 dated 29.04.2009 comes to Rs. 66,64,000/- as per the calculation below:-

Calculation:-

Sale deed dated 29.04.2009 (Ex.P2)	Base Price = Rs. 1,12,00,000/- per acre
Appreciation @ 12% for 19 months	1,12,00,000 + 21,28,000 (Base Price + Interest) =1,33,28,000/-
Deduction of 50%	1,33,28,000 - 66,64,000 (Price – 50% of Price) = 66,64,000
Net Value	Rs. 66,64,000/-

17. Accordingly, the landowners relating to the present acquisition are held entitled for award of market value @ **Rs. 66,64,000/-** **(rounded off) per acre**. Besides it, the landowners shall also be entitled

for all the statutory benefits and interest, especially the interest on solatium.

18. In view of the aforesaid circumstances, the present appeals preferred at the instance of State are hereby, dismissed, and the appeals preferred at the instance of landowners are disposed of with the aforesaid modification.

19. Wherever the landowner(s) has/have unfortunately expired in the appeal(s)/cross-objection(s) after filing thereof and the legal heirs have not been impleaded, they shall be at liberty to seek execution of the present decision by moving appropriate applications before the learned Executing Court.

20. Pending application(s), if any, shall also stand disposed of.

08.04.2026

Tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>

Other connected cases	RFA-1643-2017	RFA-2049-2017
RFA-1175-2017	RFA-1644-2017	RFA-3320-2017
RFA-1176-2017	RFA-1645-2017	RFA-3447-2017
RFA-1177-2017	RFA-1646-2017	RFA-3167-2017
RFA-1178-2017	RFA-1647-2017	RFA-3168-2017
RFA-1179-2017	RFA-1752-2017	RFA-3462-2018
RFA-1180-2017	RFA-1751-2017	
RFA-1181-2017	RFA-4949-2016	
RFA-1182-2017	RFA-601-2017	
RFA-1183-2017	RFA-602-2017	
RFA-1184-2017	RFA-603-2017	
RFA-1185-2017	RFA-604-2017	
RFA-1236-2017	RFA-605-2017	
RFA-1218-2017	RFA-670-2017	
RFA-1219-2017	RFA-902-2017	
RFA-1639-2017	RFA-1454-2017	
RFA-1640-2017	RFA-1638-2017	
RFA-1641-2017	RFA-3170-2017	
RFA-1642-2017	RFA-3171-2017	