



131 (21 cases)

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****RFA No. 8508 of 2014 (O&M)
and “20” connected cases
Date of Decision: 22.04.2026**

Ram Kishan Sachdeva

...Appellant

VersusHaryana State through its Collector,
District Gurgaon and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Aditya Jain, Advocate with
Mr. Kaanan Jain, Advocate
Ms. Indu Bala, Advocate
Mr. Gurjot Singh Dhaliwal, Advocate and
Mr. Sahib, Advocate;
Mr. Atul Yadav, Advocate
for the appellant(s)-landowner(s).

Mr. Abhinash Jain, Deputy Advocate General, Haryana
for the respondents.

HARKESH MANUJA, J. (ORAL)

This order shall dispose off the present twenty-one (21) appeals bearing RFA Nos. 3684, 5039, 5040, 5041, 6688, **8508 (lead case)** of 2014; 309, 458, 460, 465, 466, 467, 468, 469, 470, 471, 472, 473, 475 & 4482 of 2015; 2747 of 2017; 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. 8508 of 2014, the appeal filed by the landowner.

[3] The appellant-landowner, by instituting the aforesaid appeal, preferred under Section 54 of the Land Acquisition Act, 1894 (for short “1894 Act”), seeks modification of the award dated 12.12.2013 passed by the learned Additional District Judge, Gurgaon (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	08.04.2008
Final declaration under Section 6 of the Land Acquisition Act, 1894	17.10.2008
Area / Village	66 Kanal 8 Marla for Village Budhera and 239 Kanal 3 Marla for Village Ghamroj
District	Gurgaon
Public Purpose	For construction of Water Treatment Plant and Underground Tank for Sohna Town in Village Budhera, Tehsil Gurgaon and Village Ghamroj, Tehsil Sohna, District Gurgaon.
Land Acquisition Collector’s Award No. & Date	7 dated 16.07.2009
Land Acquisition Collector’s Award	Village Budhera: Rs. 25 lakhs per acre for all kinds of land alongwith other statutory benefits; Village Ghamroj: Rs. 24 lakhs per acre for all kinds of land alongwith other statutory benefits
Reference Court’s Award date	12.12.2013
Reference Court’s Award	Rs. 44,93,528/- per acre for all kinds of land

[5] Dissatisfied with the award dated 12.12.2013 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 Reference Court’s award dated 12.12.2013, learned counsel(s) for the appellant(s)-landowner(s) submit that the acquisition in the case(s) in hand was carried out vide notification dated 08.04.2008 issued under Section 4 of the 1894 Act with respect to the land forming part of the revenue estate of **Village Budhera** for the public purpose, namely, *“for the construction of water treatment plant and underground tank for Sohna town in Village Budhera, Tehsil Gurgaon and Village Ghamroj, Tehsil Sohna, District Gurgaon”*. He points out that subsequently, vide another notification under Section 4 of the 1894 Act issued one and half month (1½) thereafter on 19.05.2008, some more land forming part of the revenue estate of Village Budhera was acquired for the public purpose, namely, *“for development and utilization of land for extension of water works in Gurgaon”*. With respect to the later acquisition, the market value was assessed at the rate of Rs. 2,80,00,000/- per acre by this Court vide decision dated 24.05.2016 passed in a batch of appeals with lead case bearing **RFA No. 1580 of 2012**, titled **“Moti Sagar and others Versus State of Haryana and others”** and the same was upheld by the Hon’ble Apex Court vide order dated 05.01.2017 while dismissing the Special Leave to Appeal (Civil) No. 23630-23668 of 2016, preferred at the instance of respondents-State, titled **“State of Haryana and another Versus Moti Sagar and others”**.

[6.1] Learned counsel(s) thus submit that since there was difference of approximately one and half month between two notifications, therefore, by applying the doctrine of de-escalation for

the time gap between 19.05.2008 to 08.04.2008, the market value needs to be re-assessed and enhanced in favour of appellant(s)-landowner(s) by placing reliance upon the determination made by this Court vide decision dated 24.05.2016 passed in **Moti Sagar’s case (supra)**. Learned counsel(s) thus pray that the appeals preferred at the instance of landowner(s) be allowed whereas the appeals preferred by the respondent-State be dismissed.

ON BEHALF OF THE RESPONDENT(S)-STATE OF HARYANA

[7] Per contra learned counsel representing the respondent-State of Haryana submits that in the present case(s) the parties produced on record their respective evidence in the form of sale deeds pertaining to the revenue estate of Village Budhera as well as surrounding area therefore, once the sale deeds of the similar nature of land and potential were available on record, the determination of market value was required to be made on the basis of such evidence, rather than relying upon the decision made by this Court in relation to a subsequent notification dated 19.05.2008 though pertaining to the same revenue estate of Village Budhera. In support, he places reliance upon the decision rendered by the Hon’ble Supreme Court in case titled **“Manoj Kumar Etc. Versus State of Haryana and others”**, reported as **2018 (13) SCC 96**. Relevant paras-14 to 18 of the said decision are extracted hereunder:-

“ 14. In our opinion, the High Court could not have placed an outright reliance on the decision of Swaran Singh's case, without considering the nature of transaction relied upon in the said decision. The decision could not have been applied ipso facto to the facts of the instant case. In such cases, where such judgments/awards are relied on as evidence, though

they are relevant, but cannot be said to be binding with respect to the determination of the price, that has to depend on the evidence adduced in the case. However, in the instant case, it appears that the land in Swaran Singh's case was situated just across the road as observed by the High Court as such it is relevant evidence but not binding. As such it could have been taken into consideration due to the nearness of the area, but at the same time what was the nature of the transaction relied upon in the said case was also required to be looked into in an objective manner. Such decisions in other cases cannot be adopted without examining the basis for determining compensation whether sale transaction referred to therein can be relied upon or not and what was the distance, size and also bonafide nature of transaction before such judgments/awards are relied on for deciding the subsequent cases. It is not open to accepting determination in a mechanical manner without considering the merit. Such determination cannot be said to be binding. We have come across several decisions where the High Court is adopting the previous decisions as binding. The determination of compensation in each case depends upon the nature of land and what is the evidence adduced in each case, may be that better evidence has been adduced in later case regarding the actual value of property and subsequent sale deeds after the award and before preliminary notification under section 4 are also to be considered, if filed. It is not proper to ignore the evidence adduced in the case at hand. The compensation cannot be determined by blindly following the previous award/judgment. It has to be considered only a piece of evidence not beyond that. Court has to apply the judicial mind and is supposed not to follow the previous awards without due consideration of the facts and circumstances and evidence adduced in the case in question. The current value reflected by comparable sale deeds is more reliable and binding for determination of compensation in such cases award/judgment relating to an acquisition made before 5 to 10 years cannot form the safe basis for determining compensation.

15. The awards and judgment in the cases of others not being inter parties are not binding as precedents. Recently,

we have seen the trend of the courts to follow them blindly probably under the misconception of the concept of equality and fair treatment. The courts are being swayed away and this approach in the absence of and similar nature and situation of land is causing more injustice and tantamount to giving equal treatment in the case of unequal's. As per situation of a village, nature of land its value differ from the distance to distance even two to three-kilometer distance may also make the material difference in value. Land abutting Highway may fetch higher value but not land situated in interior villages.

16. *The previous awards/judgments are the only piece of evidence at par with comparative sale transactions. The similarity of the land covered by previous judgment/award is required to be proved like any other comparative exemplar. In case previous award/judgment is based on exemplar, which is not similar or acceptable, previous award/judgment of court cannot be said to be binding. Such determination has to be out rightly rejected. In case some mistake has been done in awarding compensation, it cannot be followed on the ground of parity an illegality cannot be perpetuated. Such award/judgment would be wholly irrelevant.*

17. *There is yet another serious infirmity seen in following the judgment or award passed in acquisition made before 10 to 12 years and price is being determined on that basis by giving either flat increase or cumulative increase as per the choice of individual Judge without going into the factual scenario. The said method of determining compensation is available only when there is absence of sale transaction before issuance of notification under section 4 of the Act and for giving annual increase, evidence should reflect that price of land had appreciated regularly and did not remain static. The Recent trend for last several years indicates that price of land is more or less static if it has not gone down. At present, there is no appreciation of value. Thus, in our opinion, it is not a very safe method of determining compensation.*

18. *To base determination of compensation on a previous award/judgment, the evidence considered in the previous*

judgment/award and its acceptability on judicial parameters has to be necessarily gone into, otherwise/gross injustice may be caused to any of the parties. In case some gross mistake or illegality has been committed in previous award/judgment of not making deduction etc. and/or sufficient evidence had not been adduced and better evidence is adduced in case at hand, previous award/judgment being not inter-parties cannot be followed and if land is not similar in nature in all aspects it has to be out-rightly rejected as done in the case of comparative exemplars. Sale deeds are at par for evidentiary value with such awards of the court as court bases its conclusions on such transaction only, to ultimately determine the value of the property.”

[7.1] While placing reliance upon the sale deeds produced by the appellant(s)-landowner(s), learned State Counsel submits that even if the sale instance dated 07.03.2008 (Exhibit P-39) which fetched the highest sale price and pertained to the same revenue estate of Village Budhera; regarding 1 kanal of land, was to be relied, the appellant(s)-landowner(s), at best, were entitled for award of the market value at the rate of Rs. 58 lakhs per acre only.

[7.2] Learned State Counsel further points out that since the acquisition in hand pertained to 66 kanals 8 marlas whereas the land parcel forming part of the sale deed dated 07.03.2008 (Exhibit P-39) was only 1 kanal and in case the minimum deduction of one-third was applied, the landowners were to get market price at the rate of Rs.38,72,000/- per acre only.

[7.3] Learned State Counsel thus contends that in view of the exposition of law by the Hon’ble Apex Court in **Manoj Kumar’s case (supra)**, this Court was required to look into the material dealt with by this Court at the time of passing of the judgment dated 24.05.2016 in

Moti Sagar’s case (supra) and was not to blindly place reliance upon the said determination.

[7.4] In alternate, he submits that prior to the acquisition in hand, some different land parcel from the same revenue estate of Village Budhera was acquired vide notification dated 13.03.2006 regarding which, this Court, vide decision dated 09.05.2016 passed in a bunch of appeals with lead case bearing **RFA No. 1121 of 2012**, titled “**Smt. Krishna and others Versus State of Haryana and another**” assessed the market value at the rate of Rs. 620/- per square yard which was later enhanced to Rs. 50 lakhs per acre by the Hon’ble Supreme Court vide order dated 06.09.2017 passed in **Civil Appeal Nos. 11262-11276 of 2017 (arising out of SLP (C) Nos. 12193-12207/2017)**, titled “**Dharam Singh & Ors. Versus State of Haryana & Ors.**”. He thus submits that the reliance ought to be placed upon the determination made at the rate of Rs. 50 lakhs per acre in relation to the previous notification dated 13.03.2006 by the Hon’ble Supreme Court vide order dated 06.09.2017 in **Dharam Singh’s case** (supra) and further applying appreciation for time gap between the two notifications, for the period from 13.03.2006 upto 08.04.2008, the market value could have been re-assessed.

[7.5] In view of the aforesaid submissions, learned State Counsel submits that the appeal(s) preferred by the State be allowed whereas the appeal(s) filed at the instance of landowners 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] Before proceeding in the matter, it may be noticed here that the learned counsel appearing on behalf of the respondent(s)-State has placed on record a site plan depicting the location of all the three acquisitions from the revenue estate of Village Budhera, **besides the sale instances produced by the appellants-landowners as well as the respondents. The site plan has been countersigned by the official concerned as well as the learned counsel appearing on behalf of the respondents.** A copy thereof has also been handed over to the learned counsel appearing on behalf of appellant(s)-landowner(s) who has not disputed its veracity. As such, the same is taken on record as **Mark-‘X’** being relevant for the purposes of adjudication of the appeal(s) in hand.

[10] In order to decide the issue of re-assessment of market value of the acquired land, details of the sale instances produced by the appellants-landowners in furtherance of their claims are relevant and thus, the same are reproduced hereunder:-

Sale-deeds produced by the appellant(s)-landowner(s):-

Sr. No.	Exhibits on sale deeds	Sale Deed No. / Date of execution of sale deed	Land Area	Sale Consideration (in Rs.)	Rate Per Acre (in Rs.)	Revenue Estate
1	P-38	15558 / 29.10.2007	1K-5M	6,84,500/-	43,80,800/-	Budhera
2	P-39	28474 / 07.03.2008	1K-0M	7,26,000/-	58,00,000/-	Budhera
3	P-40	8171 / 12.07.2006	1K-7M	8,00,000/-	40,00,000/-	Budhera

4	P-41	11513 / 30.08.2007	0K-12.5M	4,00,000/-	51,20,000/-	Budhera
5	P-42	18799 / 06.12.2006	1K-7M	81,700/-	40,85,000/-	Budhera
6	P-43	26220 / 21.03.2007	0K-14M	4,25,000/-	48,57,143/-	Budhera
7	P-44	11891 / 05.09.2007	0K-11.5M	3,85,000/-	53,56,522/-	Budhera
8	P-56	11513 / 30.08.2007	12.5M	4,00,000/-	51,20,000/-	Budhera
9	P-57	12274 / 08.09.2006	9M	2,72,500/-	48,44,444/-	Budhera
10	P-58	12276 / 08.09.2006	0K-12M	3,63,000/-	48,40,000/-	Budhera
11	P-59	16301 / 07.11.2007	8.25M	2,75,000/-	53,33,333/-	Budhera

[11] As per the material available on record, at the first instance, the land forming part of the revenue estate of Village Budhera was acquired vide notification dated **13.03.2006** for the public purpose, namely, *“for development and utilization of land for Master Water Supply Scheme, Gurgaon”* (hereinafter referred to as the **‘previous acquisition’**). Thereafter, vide notification dated **08.04.2008** issued under Section 4 of the 1894 Act, some more land parcel forming part of the same revenue estate of Village Budhera which was owned by the present appellant(s)-landowner(s) came to be acquired for the public purpose, namely *“for construction of water treatment plant and underground tank for Sohana Town in Village Budhera Tehsil Gurgaon and Village Ghamroj, Tehsil Sohana, District Gurugram.”* (hereinafter referred to as the **‘present acquisition’**). Later vide notification dated **19.05.2008**, another land parcel from Village Budhera was again acquired for the public purpose, namely *“for development and utilization of land for extension of Water Works in Gurgaon”* (hereinafter referred to as the **‘subsequent acquisition’**). For ready reference, a comparative chart of all the

three aforementioned acquisitions which took place pertaining to the revenue estate of Village Budhera is extracted hereunder:-

	<u>Previous Acquisition</u>	<u>Present Acquisition</u>	<u>Subsequent Acquisition</u>
<u>Notification under Section 4</u>	13.03.2006	08.04.2008	19.05.2008
<u>Notification under Section 6</u>	14.03.2006	17.10.2008	26.05.2008
<u>Village</u>	Budhera	Budhera & Ghamroj	Budhera
<u>Area</u>	126.25 acres	66K-8M & 239K-3M	136.62 acres
<u>Public Purpose</u>	Development and Utilization of Land for Master Water Supply Scheme, Gurgaon.	Construction of Water Treatment Plant and Underground Tank for Sohna Town in Village Budhera, Tehsil Gurgaon and Village Ghamroj, Tehsil Sohna, District Gurgaon.	Development and Utilization of Land for Extension of Water Works in Gurgaon.
<u>LAC Award Date / Amount</u>	13.10.2006 / Rs. 12.5 lakhs per acre.	16.07.2009 & Rs. 25 lakhs per acre in Village Budhera and Rs. 24 lakhs per acre in Village Ghamroj.	21.12.2009 / Rs. 25 lakhs per acre.
<u>Reference Court Award Date / Amount</u>	28.10.2021 / Rs. 19,61,000/- per acre.	12.12.2013 / Rs. 44,93,528/- per acre.	16.11.2011 / Rs. 41,81,500/- per acre.
<u>Amount decided by this Court</u>	620/- per square yard in RFA-1121-2012 titled “Smt. Krishna and others <u>Versus</u> State of Haryana and others”	-----	24.05.2016 / Rs. 2,80,00,000/- per acre in RFA-1580-2012 titled “Moti Sagar and others <u>Versus</u> State of Haryana and others”
<u>SLP</u>	Landowners appeal were allowed by the Hon’ble Supreme Court on 06.09.2017 while granting Rs. 50 lakhs per acre.	-----	Landowners appeal dismissed on 05.01.2017 while upholding the amount granted by the High Court. The State appeals were also dismissed vide order

			dated 05.01.2017 passed by the Hon’ble Supreme Court.
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[11.1] From the above, it is evident that with respect to the acquisition carried out in terms of notification dated 13.03.2006 from the revenue estate of Village Budhera, the Hon’ble Apex Court finally assessed the market value at the rate of Rs. 50 lakhs per acre. Although, before the Hon’ble Apex Court, the decision rendered by this Court in ***Moti Sagar’s case (supra)*** whereby the market value with respect to the revenue estate of Village Budhera regarding notification dated 19.05.2008 was assessed at the rate of Rs. 2,80,00,000/- per acre (finally upheld upto the Hon’ble Apex Court with the dismissal of appeals preferred at the instance of landowners and State of Haryana vide orders dated 05.01.2017 & 10.10.2017) was produced on record, however, the same was discussed and discarded by the Hon’ble Supreme Court vide order dated 06.09.2017, passed in ***Civil Appeal Nos. 11262-11276 of 2017 (arising out of SLP (C) Nos. 12193-12207/2017)***, titled ***“Dharam Singh & Ors. Versus State of Haryana & Ors.”***. Relevant paragraphs 4 to 6 from the said order dated 06.09.2017 are extracted hereunder:-

“ 4. The Land Acquisition Collector has granted compensation at the rate of Rs.12,50,000/- (Rupees Twelve Lakhs Fifty Thousand only) per acre. The Reference Court awarded Rs.19,61,000/- (Rupees Nineteen Lakhs Sixty One Thousand only) per acre, whereas the High Court has granted the compensation at the rate of Rs.30 Lakhs per acre (@Rs.620/- per sq.yard). The acquisition in question had taken place in

March, 2006. By way of additional documents learned counsel for the appellant has filed a copy of the judgment passed by the High Court of Punjab and Haryana at Chandigarh, in RFA No.1580/2012 (Moti Sagar & Ors. Vs. State of Haryana & Anr.). The said judgment is passed in respect of the some acquisition made in the year 2008, when the High Court has granted compensation at the rate of Rs.2,80,00,000/- (Rupees Two Crores Eighty Lakhs only) per acre. The High Court has not taken into consideration the same. This Court has reduced the compensation by 15% in the appeals preferred by the State of Haryana.

5. We have heard learned counsel for the parties.

6. We would not have disturbed the determination made by the High Court in the instant case. However, the fact remains that with respect to the acquisition regarding the same village made in the year 2008, the compensation which has been awarded is much more, which is described in the preceding paragraph. **However, considering the evidence adduced that after the acquisition in question was made, obviously the prices had been increased and gone manifold. Prices would go high with a lapse of time, and acquisition had been made in 2006.** Thus, it would not be safe to award the same compensation, as had been determined in the year 2008 by allowing deduction of 12%. However, to do complete justice to the parties and considering the overall facts of the case, we deem it appropriate that interest of justice would not fail in case we enhance the compensation reasonably, considering the potentiality of the land. Thus, we enhance the compensation awarded by the High Court to the appellants, to Rs.50,00,000/- (Rupees Fifty Lakhs only) per acre, along with statutory benefits.”

[11.2] A perusal of the aforesaid extract clearly reflects that the final determination made with respect to the acquisition of land from

Village Budhera regarding notification dated 19.05.2008 was not relied upon by the Hon'ble Apex Court at the time of assessment of market value with respect to the notification dated 13.03.2006 consciously while recording that as an effect of acquisition dated 13.03.2006, there was an obvious increase of price of land in the surrounding area with the lapse of time and as such, it was not safe to place reliance upon the assessment made with respect to the subsequent notification dated 19.05.2008. However, in the case(s) at hand, the acquisition commenced vide notification dated 08.04.2008 was in close temporal proximity with a gap of less than one and half month only, to the notification dated 19.05.2008 regarding which the assessment of market value was finally determined at the rate of Rs. 2,80,00,000/- per acre, as such in view of the such relevant observations made by the Hon'ble Apex Court vide its decision dated 06.09.2017, wherein it was specifically and categorically noticed that as an effect of previous acquisition made in the year 2006 from the revenue estate of Village Budhera, there was an obvious manifold increase of prices with the lapse of time, the said determination becomes a relevant piece of evidence and thus needs to be relied upon.

[12] Moreover, upon a perusal of the site plan / **Mark-‘X’**, it can be discerned that the acquisition of land which commenced vide notification dated 08.04.2008 relating to the present appeals is located at a distance of merely around 21 acres from the land acquired vide subsequent notification dated 19.05.2008 and thus, both are located in close vicinity and evidently carried same locational and potential advantage. The said site plan **Mark-‘X’** further reflects

that the land under present acquisition is located just abutting the Badli road connecting Gurgaon to Jhajjar, whereas the land which was acquired vide subsequent notification dated 19.05.2008 is not connected to any major village road. Thus apparently, the land acquired in the case(s) in hand carried more potential due to its locational and geographical advantage.

[13] In view of the aforesaid observations, it becomes more prudent, reasonable and justifiable to place reliance upon the final determination with respect to the market value of the acquired land in Village Budhera in relation to the notification dated 19.05.2008, rather than going by the valuation done in terms of notification dated 13.03.2006.

[14] At this juncture, it is pertinent to mention that, with all due respect in view of the above-mentioned conclusion, this Court does not find merit in the contention raised on behalf of learned counsel for the respondents that in terms of **Manoj Kumar's** case (supra), once sale exemplars are available on record in the case in hand, previous awards or judgments cannot be relied upon. Most humbly, it may be noticed here that the Hon'ble Apex Court has categorically observed in its judgment that the sale instances and previous awards stand on the same footing insofar as their evidentiary value is concerned. Therefore, in the considered view of this Court, the said judgment does not mandate a complete exclusion of earlier awards; rather, it serves as a caution that such awards are to be treated only as guiding parameters, subject to consideration of similarities and dissimilarities in the nature, potential, and location of the land, akin to sale instances, enabling the Court to apply its judicial mind in

assessing the market value in the case at hand. My aforesaid view is also derived from a later decision rendered by the Hon'ble Apex Court of India in case titled “**Ram Kishan (since deceased) through his LRs etc. Versus State of Haryana and others**, reported as 2025 SCC Online SC 715, wherein it was categorically observed that it would not be proper to read Manoj Kumar’s case as suggesting that the relevant awards cannot be relied upon at all. Relevant paragraph numbers 28 to 30 of **Ram Kishan (supra)** are extracted hereunder for reference:

“28. In Sardara Singh (Supra), this Court also distinguished the judgment in Manoj Kumar and Others vs. State of Haryana and Others, (2018) 13 SCC 96 and stated that the observations in the said case were made in the context of the peculiar facts of the matter.

RELEVANCE OF PRIOR AWARDS

29. In Manoj Kumar (Supra), this Court in Para 11,12,13,14 and 16 held as under.

“11. In our opinion, the High Court could not have placed an outright reliance on Swaran Singh v. State of Haryana, 2012 SCC OnLine P&H 19044, without considering the nature of transaction relied upon in the said decision. The decision could not have been applied ipso facto to the facts of the instant case. In such cases, where such judgments/awards are relied on as evidence, though they are relevant, but cannot be said to be binding with respect to the determination of the price, that has to depend on the evidence adduced in the case.

However, in the instant case, it appears that the land in Swaran Singh case was situated just across the road as observed by the High Court as such it is relevant evidence but not binding. As such it could have been taken into consideration due to the nearness of the area, but at the same time what was the nature of the transaction relied upon in the said case was also required to be looked into in an objective manner.

Such decisions in other cases cannot be adopted without examining the basis for determining compensation whether sale transaction referred to therein can be relied upon or not

and what was the distance, size and also bona fide nature of transaction before such judgments/awards are relied on for deciding the subsequent cases. It is not open to accepting determination in a mechanical manner without considering the merit. Such determination cannot be said to be binding.

12. We have come across several decisions where the High Court is adopting the previous decisions as binding. The determination of compensation in each case depends upon the nature of land and what is the evidence adduced in each case, may be that better evidence has been adduced in later case regarding the actual value of property and subsequent sale deeds after the award and before preliminary notification under Section 4 are also to be considered, if filed. It is not proper to ignore the evidence adduced in the case at hand.

The compensation cannot be determined by blindly following the previous award/judgment. It has to be considered only a piece of evidence, not beyond that. The court has to apply the judicial mind and is supposed not to follow the previous awards without due consideration of the facts and circumstances and evidence adduced in the case in question. The current value reflected by comparable sale deeds is more reliable and binding for determination of compensation in such cases award/judgment relating to an acquisition made before 5 to 10 years cannot form the safe basis for determining compensation.

13. The awards and judgment in the cases of others not being inter partes are not binding as precedents. Recently, we have seen the trend of the courts to follow them blindly probably under the misconception of the concept of equality and fair treatment. The courts are being swayed away and this approach in the absence of and similar nature and situation of land is causing more injustice and tantamount to giving equal treatment in the case of unequals. As per situation of a village, nature of land, its value differ from distance to distance, even two to three kilometre distance may also make the material difference in value. Land abutting highway may fetch higher value but not land situated in interior villages.

14. The previous awards/judgments are the only piece of evidence on a par with comparative sale transactions. The similarity of the land covered by previous judgment/award is required to be proved like any other comparative exemplar. In case previous award/judgment is based on exemplar, which is not similar or acceptable, previous award/judgment of court cannot be said to be binding. Such determination has to be outrightly rejected. In case some mistake has been done in awarding compensation, it cannot be followed; on the ground of parity an illegality cannot be perpetuated. Such award/judgment would be wholly irrelevant.

16. To base determination of compensation on a previous award/judgment, the evidence considered in the previous judgment/award and its acceptability on judicial parameters has to be necessarily gone into, otherwise, gross injustice may be caused to any of the parties. In case some gross

mistake or illegality has been committed in previous award/judgment of not making deduction, etc. and/or sufficient evidence had not been adduced and better evidence is adduced in case at hand, previous award/judgment being not inter partes cannot be followed and if land is not similar in nature in all aspects it has to be outrightly rejected as done in the case of comparative exemplars. Sale deeds are on a par for evidentiary value with such awards of the court as court bases its conclusions on such transaction only, to ultimately determine the value of the property."

30. Even in Manoj Kumar (Supra), this Court did not hold that awards in other cases which are relevant cannot be relied upon at all. What is held was such awards will be relevant as a piece of evidence and not be conclusive in nature."

[15] Moreover, a perusal of the sale instances produced by the appellants–landowners, the details whereof are set out in paragraph 11 of this judgment, reveals that the same pertain to the period 2006–2007 and in view of the observations made by the Hon’ble Apex Court in its order dated 06.09.2017 passed in **Dharam Singh’s case** (supra), as reproduced and discussed in the preceding parts of this judgment, the prices of land in the same village as the acquired land had increased manifold. It was further observed that even a de-escalation at the rate of 12% per annum from the year 2008 to 2006 would not yield a correct estimation of prices for the year 2006; consequently, it would not be appropriate to rely upon such sale instances and thereafter grant escalation thereon to determine the market value for the year 2008 in the case(s) in hand.

[15.1] Likewise, the only sale exemplar pertaining to the year 2008 produced on record by the appellants–landowners Exhibit P-9, reflecting the highest rate of Rs. 58,08,000/- per acre, cannot be regarded as indicative of the true market value prevailing at the relevant time either, inasmuch as, even if the value of the acquired land for the year 2006 is assumed to be Rs. 50,00,000/- per acre in

terms of the judgment in **Dharam Singh’s case (supra)**, as relied upon by the State, the sale instance dated 07.03.2008 (Exhibit P-9), reflecting Rs. 58,08,000/- per acre, indicates an appreciation of less than 10% per annum over the last two years, that too in the upcoming metropolitan area-city of Gurugram. In such circumstances, it may not be justified and reasonable to rely upon the sale instances produced by the parties which apparently and evidently appear to have been executed against a lesser amount of sale consideration so as to avoid stamp duty charges and as such, the same needs to be discarded. Reliance in this regard can be placed upon “**Haryana State Industrial Development Corporation Vs. Pran Sukh**” reported as **2010(11) SCC 175**. The relevant para-22 is extracted hereunder:-

“22. In our view, the learned Single Judge did not commit any error by relying upon sale transaction Exhibit P1 for the purpose of fixing market value of the acquired land. Undisputedly, that sale transaction was between two corporate entities and the entire sale price was paid through bank drafts. It is also not in dispute that the land which was subject-matter of Exhibit P1 is situated at village Naharpur Kasan and is adjacent to the acquired land. The Corporation and the State Government did not adduce any evidence to prove that the land sold vide Exhibit P1 was over-valued with an oblique motive of helping the land owners to claim higher compensation. Therefore, we do not find any justification to discard or ignore sale deed Exhibit P1. The refusal of the learned Single Judge to rely upon other sale transactions in which sale price of the land was shown as Rs. 7 lakhs per acre also does not suffer from any legal infirmity because its well-known that transactions involving transfer of properties are usually undervalued with a view to avoid payment of the requisite stamp duty and registration chargs.”

[16] Consequently, the determination with respect to the market value regarding notification dated 19.05.2008 pertaining to the revenue estate of Village Budhera assessed at the rate of Rs.2,80,00,000/- per acre and the acquisition in hand commenced vide notification dated 08.04.2008 from the same revenue estate of Village Budhera which was in close proximity of time with a gap of less than one and half month only, being the best available evidence, it would be just and fair to award the similar market value at the rate of Rs. 2,80,00,000/- per acre in favour of the appellant(s)-landowner(s) with respect to the acquisition in hand alongwith all other statutory benefits.

DECISION

[17] In view of the aforesaid discussion, impugned award dated 12.12.2013 passed by the learned Reference Court is modified and the appellant(s)-landowners are held entitled for award of market value at the **rate of Rs. 2,80,00,000/- 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.

[18] Consequently, all the appeals filed by the **landowner(s)** are **allowed** whereas the appeals filed by the State of Haryana are **dismissed**,

[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.

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

April 22, 2026
‘dk kamra’

(HARKESH MANUJA)
JUDGE

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