IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

128

RFA No.2500 of 2018 (O&M)
with other connected cases.
Date of Decision: 04.02.2026

FAUJA SINGH & OTHERS ......Appellants

Vs

THE STATE OF HARYANA & ORS. ...Respondent(s)

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Shailendra Jain, Sr. Advocate with
Mr. Parminder Singh, Advocate
Mr. Rahul, Advocate
Mr. Munish Sharma, Advocate
Ms. Ruchi Jain, Advocate
Ms. Samriti Jain, Advocate
Mr. Anmol Rattan S. Dhillon, Advocate
for the appellants/landowners.

Mr. Abhinash Jain, D.A.G., Haryana.

Mr. Sudeep Mahajan, Sr. Advocate with
Ms. Saachi Mahajan, Advocate
Ms. Amrit Kaur, Advocate for respondent No.2.

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HARKESH MANUJA, J. (Oral)

[1]. Vide this common order, a bunch of 19 Regular First Appeals, details of which are given in the footnote of this judgment, are being decided as all the appeals have arisen out of common acquisition/Award involving identical facts and question of law. For the sake of brevity, facts are being taken from RFA No.2500 of 2018.

[2]. By way of present appeal(s), challenge has been laid to the Award dated 06.12.2017 passed by the learned Addl. District Judge, Karnal (hereinafter to be referred as the 'Reference Court').

[3]. Briefly stating, in the present case(s), land measuring 298 Kanals 02 Marlas situated within the revenue estate of village Assandh, H.B. No.84, Tehsil Assandh, District Karnal, came to be acquired vide Notifications dated 28.06.2012 and 24.06.2013 issued under Sections 4 & 6 of the Land Acquisition Act, 1894 (for short the '1894 Act') respectively for the public purpose namely for the extension of New Grain Market at Assandh. An Award was passed by the Land Acquisition Collector (for short 'the LAC') on 23.06.2015, thereby determining the market value @ Rs.30,00,000/- per acre for the land acquired upto the depth of two acres from the main Karnal-Assandh Road and Rs.25,00,000/-per acre behind two acres from the main Karnal-Assandh Road, for all kinds of land besides, award of all other statutory benefits including 100% solatium and additional amount of 12% p.a. on the compensation as well as the statutory interests.

[4]. Dis-satisfied with the Award passed by the Land Acquisition Collector, the appellants/landowners invoked Reference under Section 18 of the 1894 Act, which came to be partly allowed by the learned Reference Court vide its award dated 06.12.2017, while granting them enhanced compensation @ Rs.44,23,993/- per acre for the land which was situated upto the depth of two acres from the main Karnal-Assandh Road and Rs.39,23,993/-per acre for the remaining land which was situated beyond the depth of two acres from the main Karnal-Assandh Road. Aggrieved thereof, the present appeals were preferred at the instance of landowners as well as the respondents.

[5]. Impugning the aforesaid Award, learned Senior counsel representing the appellants/landowners submits that the learned Reference Court went wrong having taken into account the average sale price of the sale deeds dated 29.12.2011 (Ex.PW6/B), 26.03.2012 (Ex.PW6/C) and 22.06.2012 (Ex.R-4). Learned Senior

counsel submits that in view of the settled law, the sale exemplar fetching the highest of sale price was required to be taken into account. Learned Senior counsel further submits that as per records, part of land parcel from Khasra No.164//16/2 was alienated vide sale exemplar Ex.PW6/B and the said khasra number even formed part of the acquired land. Learned Senior counsel, thus submits that the findings recorded by the learned Reference Court were wrong to the effect that the land parcel forming part of sale exemplar Ex.PW6/B was located far away from the acquired land. He thus, submits that the market value in the case in hand was required to be adjudged by placing reliance upon Ex.PW6/B only, rather than taking average of the three sale deeds i.e. Ex.PW6/B, Ex.PW6/C and Ex.R-4.

[5.1]. Learned Senior counsel further submits that that there exists a time gap of six months between the date of sale instance Ex.PW6/B and the date of Notification issued under Section 4 of the 1894 Act in the present case(s) i.e. from 29.12.2011 to 28.06.2012, as such, suitable appreciation over the sale price per acre derived from the aforementioned sale instance Ex.PW6/B needs to be granted in favour of the appellants/landowners.

[5.2]. Learned Senior counsel also points out that taking into account the geographical location of the acquired land which was just abutting the already developed Grain Market, Assandh and was located on the Karnal-Assandh-Kaithal Road, the entire parcel was having uniform locational and potential advantage, as such, principle of belting system was not to be applied. He thus, submits that the market value of the acquired land was required to be re-assessed at the uniform rate on the basis of appreciation of sale instance dated 29.12.2011 (Ex.PW6/B).

[6]. On the other hand, learned Senior counsel representing the Market Committee, Assandh, submits that despite having recorded that the land parcel

forming part of sale instance Ex.PW6/B was far way from the acquired land, the learned Reference Court wrongly took into consideration the said sale transaction for the purposes of re-determination of market value. He also submits that even if the said sale instance Ex.PW6/B was to be taken into account, a suitable cut was to be imposed towards smallness of the area involved therein. Learned Senior counsel also points out that the acquired land located adjacent to the already existing Grain Market had no potential for being used as commercial or residential and, thus there was no point of applying any appreciation for the time gap between the date of sale instance Ex.PW6/B and the date of notification under Section 4 of the 1894 Act in this case(s). Learned Senior counsel also submits that in the given facts there was no illegality in the belting system adopted by the learned Reference Court.

[6.1]. Learned Senior counsel further points out that as per sale exemplar dated 22.06.2012 (Ex.R-4) which also relates to the revenue estate of village Assandh, 2 Acres, 4 Kanals and 5 Marlas of land was sold for Rs.63,28,000/- with base price of Rs.25,00,000/- per acre and the Award passed by the Land Acquisition Collector was in tune with the amount of sale consideration depicted in Ex.R-4, therefore, no further enhancement was required to the granted in favour of the appellants/landowners and as such the impugned judgment was liable to be set aside and the Award passed by the LAC was required to be restored.

[7]. I have heard learned counsel for the parties and gone through the paper book as well as records of the case(s). I find substance in the submissions made on behalf of the appellants/landowners.

[8]. Before proceeding further, it may be necessary to take note of the sale deeds/agreements to sell produced by both the sides in evidence. The details of the same in a tabulated form is extracted hereunder:-

Sale deeds/agreements to sell produced by the appellants/landowners

Sr. No.	Date	Exhibit	Village	Area	Amount
1	29.12.2011 sale deed	PW6/B	Assandh	13 Kanals 9 Marlas	1,68,12,500/-
2	26.03.2012 sale deed	PW6/C	Assandh	96 Kanals 19 Marlas	8,97,75,313/-
3	24.02.2011 agreement to sell	PW6/D	Assandh	32 Kanals 15 Marlas	23,64,550/-
4	24.02.2011 agreement to sell	PW6/E	Uchana	32 Kanals 15 Marlas	57,76,000/-

Sale deeds produced by the appellants/landowners

Sr. No	Exhibit	Type of Transaction	Date	Sale Consideration (Rs.)	Area	Price per acre (Rs.)	Village
1	R-1	Sale deed	23.04.2010	20,22,000	1A-6K-14M	11,00,408	Assandh
2	R-2	Sale deed	13.05.2010	33,30,000	3A-5.5 M	10,99,999	Assandh
3	R-3	Sale deed	21.03.2011	37,50,000	2A-4K-1M	15,00,000	Assandh
4	R-4	Sale deed	22.06.2012	63,28,000	2A-4K-5M	25,00,000	Assandh

[8.1]. At the first instance, it may be relevant to take note of the sale instances produced by the respondents as Ex.R-1 to Ex.R-4. As per above mentioned table, the sale price per acre in terms of Ex.R-1 to Ex.R-4 ranges between Rs.11 lakhs to Rs.25 lakhs for the period between April 2010 to June 2012. Out of the aforementioned four sale deeds, the sale deed dated 22.06.2012 (Ex.R-4) which has been mainly relied upon by the respondents, 2 Acres, 4 Kanal and 5 Marlas of land was sold for Rs.63,28,000/- with base price of Rs.25,00,000/- per acre is closest in terms of time period to the Notification under Section 4 of the

1894 Act which was issued on 28.06.2012 in the case(s) in hand. However, the appellants/landowners have also placed on record the collector's rate pertaining to the year 2012-2013, as per which the minimum rates fixed for the purposes of payment of stamp duty on the registration of sale deeds for the land located on the Assandh-Karnal Road was fixed as Rs.30,00,000/- per acre. This implies that the sale deed dated 22.06.2012 (Ex.R-4) was for price even lesser than such collector rate and, therefore, did not reflect the representative market value of the land at that point in time, as such the same was not to be considered as *bona fide* and genuine sale transaction for the purpose of determination of market value of the acquired land.

[9]. Further, a perusal of the documentary evidence produced on record by the appellants/landowners in the form of Ex.PW6/D and Ex.PW6/E dated 24.02.2011 clearly shows that the said documents are merely agreements to sell. It is well settled that agreement to sell do not constitute reliable evidence for assessing the market value, thus need not to be taken into consideration. It is, however noted that Ex.PW6/B and Ex.PW6/C are the registered sale deeds dated 29.12.2011 and 26.03.2012 respectively, both concerning the same revenue estate of village Assandh. Further, it is evident that some portion of the land parcels forming part of Ex.PW6/B pertains to Khasra No.164//6/2 min (3-0) and the acquired land also comprises a portion of Khasra No.164//25/2/2. Both the parcels are, thus undoubtedly, situated in close proximity which is also clear from Statement No.19 of the Land Acquisition Act 1 of 1894 filed by the respondents themselves with respect to the acquired land belonging to one of the landowners/appellants.

[9.2]. In such circumstances, once a portion of land forming part of Khasra No.164//25/2/2 stands acquired, the same cannot be held to be located far away from the land parcel forming part of sale instance dated 29.12.2011 (Ex.PW6/B) which even relates to the land parcel comprised in Khasra No.164//6/2 min (3-0). In view of aforesaid, the learned Reference Court went wrong while recording that the land parcel forming part of sale instance dated 29.12.2011 (Ex.PW6/B) was located far away from the acquired land. Even otherwise, as per documents available on record, the sale instance dated 29.12.2011 (Ex.PW6/B) is the sale deed fetching the highest sale consideration and also relates to the same revenue estate of village Assandh; thus needs to be relied upon for the purposes of determination of market value of the land under acquisition, especially when no apprehension has been raised by the respondents qua the genuineness and *bona fide* of the sale transaction or even the sale consideration reflected therein.

[10]. Further, in the humble opinion of this Court, the learned Reference Court even went wrong having taken average of the sale price reflected in the three sale transactions i.e. Ex.PW6/B, Ex.PW6/C and Ex.R-4. With respect to the sale instance dated 22.06.2012 (Ex.R-4) it has already been recorded in the preceding part of the judgment that the same cannot be treated to be a genuine and *bona fide* sale transaction for the purposes of determination of market value of the acquired land, since the sale consideration reflected therein is even lower than the rates fixed by the Collector for the purposes of payment of stamp duty on the registration of sale deeds in the relevant financial year of 2012-2013. Besides it, in view of the law laid down by the Hon'ble Apex Court in case of ***Horrmal Vs. State of Haryana***, reported as '***2024(4) R.C.R. (Civil) 758***', the sale instance fetching the highest sale price needs to be taken into account for the purposes of determination

of market value of the acquired land and as such out of two sale instances i.e. Ex.PW6/B and Ex.PW6/C, the sale instance dated 29.12.2011 (Ex.PW6/B) fetching the highest sale price is accordingly considered being the best sale exemplar. Relevant paragraph Nos.27 and 28 from ***Horrmal's*** case (supra) 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, (2012) 5 SCC 432*** *where this Court laid down as follows:*
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> > *"....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."*
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> *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."*

[10.2]. As per sale exemplar Ex.PW6/B, the land measuring 13 Kanals 09 Marlas was sold for a sum of Rs.1,68,12,500/- and the base price per acre was Rs.1,00,00,000/-. Since there has been a time gap of almost 06 months between the date of sale deed dated 29.12.2011 (Ex.PW6/B) and the date of issuance of notification under Section 4 of the 1894 Act i.e. 28.06.2012, as such an appreciation @ 12% per annum needs to be awarded over the base price per acre derived from the same; which thus comes to Rs.1,06,00,000/- per acre.

[11]. As regards the contention raised by learned Senior counsel representing the respondent(s) that a suitable cut is required to be applied to the sale price derived from Ex.PW6/B dated 29.12.2011; the same is devoid of merits in the facts of the present case and is, therefore, rejected at the threshold. As per records, the sale exemplar Ex.PW6/B pertains to land measuring 01 Acre, 05 Kanals and 09 Marlas, which by no stretch of imagination, can be regarded as a transaction involving a small parcel of land. In view of aforesaid circumstances wherein the land under acquisition measures 298 Kanals 02 Marlas and the sale exemplar Ex.PW6/B pertains to 13 Kanals 09 Marlas, no deduction towards smallness of area involved therein is warranted in the present case(s).

[11.1]. Furthermore, since the acquisition in the present case(s) is for public purpose namely for the extension of New Grain Market at Assandh and a compact block of 298 Kanals 02 Marlas of land has been acquired for the said purpose, the respondents did not suffer any loss towards optimum utilization of the area acquired and also did not incur expenditure towards providing of additional infrastructural amenities like parks, green belts, roads and community buildings etc., no cut towards development cost(s) needs to be imposed.

[12]. Moreover, it may be noticed here that the total acquisition in the present case is of 37 Acres, 2 Kanals and 10 Marlas and the same is in the form of a compact block as clearly depicted from the site plan Ex.P-1. Further, it has not been disputed and is even otherwise established on record that the acquired land

parcel is located on the main Karnal-Assandh-Kaithal Road (earlier a State Highway now National Highway) and also abuts the already existing developed Grain Market at Assandh. Furthermore, on the appreciation of documentary evidence available on record in the form of letter dated 22.06.2015 issued by the Municipal Committee, Assandh, Karnal which was proved on record by PW-10 Gurmeet Singh, Patwari, Halka Assandh, District Karnal as Ex.PW10/A and also the notification dated 02.09.1976 proved on record as Ex.PW11/A by PW-11 Ashok Kumar, JE, MC, Assandh, District Karnal, it has been established that some portion of the acquired land forms part of the Municipal limits of Assandh, comprised in Rectangle No.199. As per records, majority of acquired land falls in Rectangle Nos.64 and 199. Admittedly, Rectangle No.64 abuts the State Highway leading from Assandh to Karnal whereas Rectangle No.199 forms part of the Municipal limits of revenue estate of village Assandh. In view of aforesaid circumstances, the entire acquired land carried uniform locational and potential advantage attached to it and thus, the belting system adopted by the learned Reference Court cannot be held to be justified and accordingly, the landowners are held entitled to uniform market value of the entire acquired land.

[13]. Accordingly, the market value for the land under acquisition is assessed @ Rs.1,06,00,000/- per acre. In addition, the landowners shall also be entitled for award of all statutory benefits and interest as provided under the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement, Act, 2013. The landowners shall also be entitled for solatium @ 30% besides award of interest thereupon.

[14]. Consequently, in view of the discussion made herein above, the appeals preferred at the instance of appellants/landowners are hereby partly

allowed in the aforesaid terms and the appeals filed by the respondents are, thus dismissed.

[15]. 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 application(s) before the learned Executing Court.

[16]. All pending application(s), if any, shall also stand disposed of.

(HARKESH MANUJA)
JUDGE

February 04, 2026
Atik

Whether speaking/reasoned Yes/No
Whether reportable Yes/No

Sr. No.	Case Number	Sr. No.	Case Number
1	RFA No.1393 of 2018 (O&M)	11	RFA No.943 of 2019 (O&M)
2	RFA No.1394 of 2018 (O&M)	12	RFA No.944 of 2019 (O&M)
3	RFA No.1395 of 2018 (O&M)	13	RFA No.945 of 2019 (O&M)
4	RFA No.1396 of 2018 (O&M)	14	RFA No.946 of 2019 (O&M)
5	RFA No.1397 of 2018 (O&M)	15	RFA No.947of 2019 (O&M)
6	RFA No.1398 of 2018 (O&M)	16	RFA No.948 of 2019 (O&M)
7	RFA No.2534 of 2018 (O&M)	17	RFA No.949 of 2019 (O&M)
8	RFA No.4271 of 2018 (O&M)	18	RFA No.950 of 2019 (O&M)
9	RFA No.927 of 2019 (O&M)		
10	RFA No.942 of 2019 (O&M)		

(HARKESH MANUJA)
JUDGE

February 04, 2026
Atik