



RFA No.4745 of 2018 (O&M) with other connected cases

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

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RFA No.4745 of 2018 (O&M)
with other connected cases
Date of Decision: 12.03.2026

YASHBIR AND OTHERS
Vs
STATE OF HARYANA AND ORS.

.....Appellants
..Respondent(s)

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

Present: Mr. Birender Singh Rana, Sr. Advocate with
Mr. Neeraj Mann, Advocate
Mr. Kunal Dawar, Sr. Advocate with
Mr. Vipul Sharma, Advocate
Ms. Rubina Varmani, Advocate and
Ms. Radhika, Advocate
Mr. Atul Yadav, Advocate
Mr. Kunal Mulwani, Advocate with
Mr. Ritvik Garg, Advocate
Ms. Pratibha Yadav, Advocate
for the appellant(s)/landowner(s).

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

HARKESH MANUJA, J. (Oral)

[1]. Vide this common order, the present appeal along with other connected appeals i.e. RFA Nos.4746, 8508, 8509, 8513, 8514, 8518 of 2018 and RFA Nos.226, 397 & 2544 of 2019; RFA Nos.1025 of 2022 & 1265 of 2021 are being decided, as the same 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.4745 of 2018.

[2]. The appellants-landowners, by instituting the appeal bearing RFA No.4745 of 2018, preferred under Section 54 of the Land Acquisition Act, 1894 (for short "1894 Act"), seek modification of the award dated 30.07.2018 passed by



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the learned Additional District Judge, Gurugram (hereinafter to be referred as “Reference Court”), while claiming enhancement of compensation amount.

[3]. Briefly stating, certain land owned by the appellants situated within the revenue estate of Village Hayatpur, Hadbast No.114, District Gurgaon (now Gurugram), was acquired vide notifications dated 12.06.2012 and 10.06.2013 issued under Sections 4 and 6 of the 1894 Act respectively, for the public purpose namely *“for the development and utilization of land for 66KV and 220 KV Electric Sub Station Sites and other public utility purpose in Sectors 76-77-78 and Sectors 81 to 95 at Gurgaon”*. Vide Award No. 87, dated 31.07.2013, the Land Acquisition Collector, Gurgaon (now Gurugam) (for short “LAC”) determined the value of the acquired land at the rate of Rs.1,10,00,000/- (One Crore Ten Lakhs only) per acre for all types of land.

[4]. Aggrieved of the aforesaid Award dated 31.07.2013, the landowners/ interested persons filed objections under Section 18 of the 1894 Act, which were partly accepted vide decision dated 30.07.2018 by the learned Reference Court, and the market value of the entire land was assessed at the rate of Rs.2,99,20,000/- per acre alongwith other statutory benefits. Still aggrieved, the present appeal(s) came to be preferred at the instance of appellant(s)-landowner(s).

[5]. 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 appellant(s)/landowner(s).

[6]. A perusal of the record shows that the learned Reference Court while making assessment of market value @ Rs.2,99,20,000/- per acre, relied upon the judgment dated 27.05.2016 (Exhibit P-49) passed by this Court with regard to the acquisition of land belonging to the same village-Hayatpur, where the notification

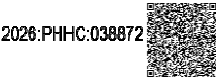


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under Section 4 of the 1894 Act was issued on 11.02.2010, i.e. prior to the notification under Section 4 of the 1894 Act in the present case(s) (i.e. 12.06.2012). Vide Ex.P-49, this Court went on to enhance the compensation to Rs.3,52,00,000/- per acre. In the Special Leave Petition preferred before the Hon'ble Apex Court, the said determination was upheld subject to deduction of 15% towards development charges, thereby reducing the compensation amount to Rs.2,99,20,000/- per acre.

[7]. Furthermore, since there has been a time gap of two years and four months between the notification dated 11.02.2010 issued under Section 4 of the 1894 Act in relation to the judgment dated 25.05.2016 (Ex.P-49) and the notification dated 12.06.2012 under Section 4 of the said Act in the present case; an appreciation at the rate of 15% per annum needs to be applied over the above mentioned determination of market value, especially when the land parcel of the previous as well as the present acquisition forms part of same revenue estate of Village Hayatpur and are located adjacent to each other even as per the statement of Sh. Kuldeep, Patwari, Office of LAC, Gurugram, who is present in person.

[8]. In the given facts for one more reason, the appellant(s)/landowner(s) need to be awarded the benefit of appreciation @ 15% per annum for the time gap between the two notifications. Infact, the previous acquisition which was carried out in terms of Notification dated 11.02.2010, for the public purpose, namely "*for the development and utilization of land for sector roads for sector 81 to 95 at Gurgaon*" in the same revenue estate of village Hayatpur. Consequently, the development of sector roads in close proximity to the acquired land led to the creation of essential infrastructure thereby significantly enhancing the locational advantage and augmenting the overall development potential of the area.

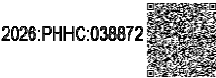


In support of grant of appreciation @ 15%, reliance can be placed upon the case of *Krishi Utpadan Mandi Samiti Sahaswan Dist. Badaun Thr. Its Secretary vs. Bipin Kumar & Another, Etc, 2004 (2) SCC 283*. Relevant paragraph No.8 in this regard is extracted hereunder:-

“8. However there is evidence of high potentiality. The increase of 15% given by the High Court cannot therefore be said to be unreasonable. Of course, the 15% increase has to be on Rs.15.40 which is the figure shown in the sale deed. It cannot be on Rs.120 as wrongly taken by the High Court. The High Court also erred in considering only three years increase whereas in fact there is four years difference between the respondent's sale deed and the acquisition proceedings. Thus taking an increase of 60% over the price of Rs.15.40 per sq. yard the value comes to Rs.24.64 per sq. yard. We accordingly set aside the order of the Reference Court and the High Court and fix value at the rate of Rs.24.64 per sq. yard. The respondent will also to be entitled to solatium and other statutory benefits under the Land Acquisition Act, 1894.”

[9]. Moreover, from the material on record, it can also be noticed here that the land parcel which stood acquired vide the previous notification dated 11.02.2010 has been in close proximity to the land acquired in the present case(s). This fact can be discerned from the details of the land provided in a tabulated form hereunder:-

The details of land acquired vide notification dated 12.06.2012 under Section 4 of the 1894 Act, pertaining to the revenue estate of village Hayatpur.				The details of the land/Khasra Number which are common in the two notifications dated 11.02.2010 and 12.06.2012 issued under Section 4 of the 1894 Act.	
Gurgaon Hayatpur	10.9563	32		32//10	
H.B.No.	acres	-----			
114		10min(0-3), 11min(0-16), 20min(0-9)		33//6/7	
		33			



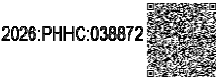
----- 6min(3-13), 7min(0-18), 14min(4-2), 15(8-0), 16min(3-16), 17min(2-3) 34 -----	34//2
1min(2-19), 2min(4-4), 9min(7-4), 10min(5-4),11min(2-4), 12min(2-9) 61 -----	61//23
23min(1-4), 22min(2-4) 68 -----	68//3/8
1min(3-7), 2(8-0), 3min(3-16), 8min(0-11),9min(3-7), 10min(1-11) 71 -----	71//15/16/17
15/1min(1-17),15/2min(0-1) 15/3min(1-6), 16 (8-0),17min(3-11) 72 -----	72//20/21
20min(0-1),21min(0-12)	

[10]. Accordingly, the market value of the acquired land as on the date of notification dated 12.06.2012 under Section 4 of the 1894 Act, in the present case comes to Rs.4,03,92,000/- per acre.

[11]. In view of the aforesaid discussion, impugned award dated 30.07.2018 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.4,03,92,000/- 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.

[12]. Consequently, in view of the discussion made herein above, all the aforementioned appeals preferred at the instance of appellant(s)/landowner(s) are

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hereby partly allowed in the aforesaid terms. It is further added that the appellants/landowners shall not be entitled to interest for the period of delay in filing/re-filing the appeal(s) as the case may be.

[13]. Also, 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.

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

March 12, 2026
Atik

(HARKESH MANUJA)
JUDGE

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