

2026.PHHC:059195



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA-6272-2015 (O&M) and other connected cases

Date of Decision: April 20, 2026

DULE RAM

.....Appellant

Versus

STATE OF HARYANA AND ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rakesh Kumar Chauhan, Advocate for the appellant
in RFA-5430-2015.

Mr. Abhinash Jain, DAG, Haryana.

Mr. Rampal Verma, Advocate and

Mr. Sonit Verma, Advocate for respondent in RFA-1205-2016.

HARKESH MANUJA, J. (ORAL)

Vide this common order, a batch of 8 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-6272-2015.**

2 By way of present appeal(s), challenge has been laid to an award dated 31.03.2015 passed by the learned Addl. District Judge, Sonipat (hereinafter referred to as, ***“the Reference Court”***), whereby, the reference petition preferred at the instance of the appellant(s)-landowner(s) was partly accepted.

3. Briefly stating, vide notification dated 15.04.2009 issued under Section 4 of the Land Acquisition Act, 1894 (for short '***the Act***'), some land owned by the appellant(s)-landowner(s), situated in Village Sewli, Hadbast No.39, Tehsil and District Sonipat was sought to be

acquired. Notification under Section 6 was issued on 13.04.2010. The acquisition was carried out for the public purpose, namely, “for Sectors 65 to 68, (Pocket), Sonipat”. Vide award No.5 dated 08.09.2011, the market value of the acquired land was assessed @Rs.30,00,000/- per acre by the Land Acquisition Collector (for short ‘**the LAC**’) besides award of other statutory benefits under the Act as well as annuity Scheme benefits in favour of landowners.

4. Being aggrieved, the appellant(s)-landowner(s) preferred objections under Section 18 of the Act which came to be partly accepted by the learned Reference Court vide award dated 31.03.2015 by re-assessing the market value @ Rs.39,44,300/- per acre along with other statutory benefits under the Act. Still aggrieved, the appellant(s)-landowner(s) preferred the present appeal(s).

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

6. A perusal of the record shows that prior to the acquisition in the case(s) in hand, vide notification dated 17.11.2005 issued under Section 4 of the Act, land forming part of the same revenue estate of Village Sewli, Tehsil and District Sonipat was acquired (hereinafter referred to as “**the previous acquisition**”). The comparative details of the two acquisitions are encapsulated in a tabulated form hereunder:-

<u>Details</u>	<u>Previous Acquisition</u>	<u>Present Acquisition</u>
Section 4	17.11.2005	15.04.2009
Section 6	--	13.04.2010
Revenue Estate of Village(s) involved	Sewli	Sewli

Public Purpose	Development and utilization of land for institutional and residential purpose for Sectors 65 to 68, Sonipat.	Sectors 65 to 68 (Pocket), Sonipat.
Award passed by the LAC	Rs.12,50,000/- per acre vide Award dated 02.03.2006.	Rs.30,00,000/- per acre vide Award dated 08.09.2011.
Award passed by the Reference Court	Enhanced vide Award dated 31.03.2012 to Rs.28,00,000/- per acre.	At uniform rate of Rs. 39,44,300/- per acre vide Award dated 31.03.2015.
Determination by this Court in RFA-4101-2008 (O&M) in <i>HSI IDC Vs. Rajesh Kumar-II and Ors.</i>	Vide decision dated 05.07.2019, landowners were awarded uniform market value @ Rs.31,50,000/- per acre	-----

6.1. A perusal of the above chart shows that for the land acquired in the same revenue estate of Village Sewli vide previous notification dated 17.11.2005 for the public purpose, namely, “*for development and utilization of land for institutional and residential purpose for Sectors 65 to 68, Sonipat*” known as *Rajiv Gandhi Education City, Phase-1*, this Court vide order dated 05.07.2019 passed in **RFA-4101-2008** titled as “**HSI IDC Vs. Rajesh Kumar-II and Ors.**” assessed the market value @ Rs.31,50,000/- per acre.

7. Subsequently, vide notification dated 15.04.2009 issued under Section 4 of the Act, the present acquisition was carried out from the land forming part of village Sewli, Tehsil and District Sonipat for the public purpose, namely, “*Sectors 65 to 68 (Pocket) Sonipat*”. The learned Reference Court in the case(s) in hand placed reliance upon the determination of market value made with respect to the previous acquisition carried out vide notification dated 17.11.2005, followed by applying appreciation @ 12% thereupon, for the time gap between the

previous notification and the present notification and accordingly, re-assessed the market value @ Rs.39,44,300/- per acre. Relevant portion from the Reference Court award is extracted hereunder:-

“Further is it also a matter of record that the land was acquired vide both the notifications dated 17.11.2005 and 15.04.2009 the development and utilization of land as commercial, institutional and residential for Sector-65, 66, 67 & 68 Sonapat and the land being situated in the same revenue estate of village Sewli and there being no tangible material on record to differentiate between the quality of land in the two acquisitions, the aforesaid compensation of Rs. 28 lacs per acre granted by the reference court in the cases of Mauji Ram and State of Haryana and others can be made basis for determining the compensation for the acquired land in present references and further increase can be given keeping in view the market value determined by the court in the aforesaid cases. As has already been noticed, the land in village Sewli which was acquired vide notification under section 4 dated 17.11.2005 for the same purpose was assessed at the rate of Rs.28,00,000/- per acre and notification under section 4 of the Act in the present cases was issued on 15.04.2009. Thus, there is a difference of a period of 3 years 4 months 28 days approximately between the two acquisitions made by the respondents. in the same village for the same purpose. The Hon'ble Supreme Court has held that an increase varying from 7.5% to 20% per annum can be granted in appropriate cases after relying upon the base value of such earlier acquisition for determining the market value of the acquired land on the basis of judicial pronouncements. Further since the acquired land is about 3-4 kilometers away from the National Highway/G.T. Road and same falls in the national capital region, it would be justified to enhance the compensation @ 12% per annum on the market value of the land decided on the basis of judicial pronouncements. Thus, taking the compensation of Rs. 28 lacs per acre as the base price as on 17.11.2005 applying an increase of 12% per annum on the said amount, the market value of the acquired land falling in the revenue estate of village Sewli is determined as Rs. 39,44,241/-per acre. To make it a round figure, the market value of the land under reference is assessed as Rs. 39,44,300/- (Rs. Thirty Nine Lacs Forty Four Thousand Three Hundred only) per acre. This issue is accordingly is decided in favour of petitioners.”

8. It was not disputed that the market value with respect to the previous acquisition carried out vide notification dated 17.11.2005 stands finally determined @ Rs.31,50,000/- per acre by this Court vide decision dated 05.07.2019 in ***Rajesh Kumar's case*** (supra) and the Special Leave Petition preferred against the same before the Hon'ble Apex Court stands dismissed, thus having attained finality. Further, in the humble opinion of this Court, vide previous notification dated 17.11.2005, the acquisition was carried out for the public purpose namely "*for development and utilization of land for institutional and residential purpose for Sectors 65 to 68, Sonipat*" from the same revenue estate of village, Sewli and the present acquisition was also done for the same purpose; from left out pockets. Thus, in the humble opinion of this Court, the previous acquisition definitely, contributed towards significant enhancement of the locational and potential value to the remaining land pertaining to the same revenue estate of village Sewli. As such, an escalation of 15% per annum for the time gap between the two notifications i.e. from 17.11.2005 to 15.04.2009 needs to be awarded in favour of the appellants-landowners especially, when the revenue estate of village Sewli, District Sonapat forms part of the National Capital Region territory. In this regard, reliance can be placed on "***Krishi Utpadan Mandi Samiti Sahaswan Dist. Badaun Thr. Its Secretary vs. Bipin Kumar & Another, etc.***", reported as **2004 (2) SCC 283.**

Relevant paragraph No.8 in this regard is reproduced 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. Accordingly, in view of the discussion made hereinabove, the market value on the date of notification under Section 4 in case(s) in hand by applying 15% appreciation per annum over the market value assessed by this Court in **Rajesh Kumar’s case** (supra) from 17.11.2005 to 15.04.2009 comes to **Rs.47,64,375/- per acre**. Besides it, the landowner(s)-appellant(s) shall also be entitled for all the statutory benefits and interest, especially the interest on solatium.

10. In view of the aforesaid circumstances, the present appeal(s) are partly allowed with the aforesaid modification.

11. 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.

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

20.04.2026
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-4620-2015
RFA-5430-2015
RFA-1205-2016
RFA-1208-2016
RFA-2094-2016
RFA-1206-2016
RFA-1207-2016