



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RFA-10260-2014 (O&M)

Date of Decision: 02.04.2026

Devender and others

.....Appellants

Versus

State of Haryana and anr.

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Adarsh Jain, Sr. Advocate with
Ms. Kamaldeep Kaur, Advocate
Mr. Rakesh Kumar Sharma, Advocate
for the appellants.

Mr. Abhinash Jain, DAG, Haryana.

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HARKESH MANUJA, J. (ORAL)

Vide this common order, a bunch of 17 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 common facts and question of law. For the sake of brevity, facts are being taken from **RFA No. 10260-2014**.

2. By way of filing the present appeal(s) challenge has been laid to the decision dated 25.02.2014 passed by the learned Additional District Judge, Palwal (hereinafter referred to as '***the Reference Court***').

3. Briefly stating, 513K-03M of land situated within the revenue estates of Village Behrola, then Tehsil Palwal, District Faridabad, was acquired vide notifications dated 07.09.2007 and

06.01.2009, issued under Sections 4 and 6 of the Land Acquisition Act, 1894, (for short '**the Act**') respectively, for the public purpose, namely, "*for construction of Police line and its staff quarters*". The Land Acquisition Collector (for short '**the LAC**') vide award dated 04.01.2011 assessed the market value of the acquired land at a rate of Rs.16,00,000/- per acre, alongwith all other statutory benefits under the Act.

4. Dissatisfied with the aforesaid award, the appellants/landowners filed reference petitions invoking Section 18 of the Act, which came to be partly allowed by the learned Reference Court vide its decision dated 25.02.2014, enhancing the market value of the acquired land to Rs. 17,00,000/- per acre besides grant of all other statutory benefits under the Act.

5. Aggrieved of the decision of the learned Reference Court, the present appeals were preferred at the instance of appellants-landowners.

CONTENTION(S):

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

6. Impugning the aforementioned Award, learned Senior Counsel representing the appellants-landowners submits that the learned Reference Court erred having ignored the sale instance dated 07.11.2006 (Ex.PW4/1) vide which 4K-5M of land pertaining to Village Atohan was sold for Rs.55,00,000/-, particularly in view of the established fact on record that the revenue estates of Villages

Behrola and Atohan were located opposite each other, separated by National Highway leading from Delhi to Mathura. Learned Senior Counsel further contends that the acquired land was situated exactly on the National Highway, whereas the land parcel forming part of sale deed Ex.PW4/1 was approximately 300 to 400 meters away from inside the Highway. Consequently, the acquired land possessed greater potential *vis-a-vis* the land parcel forming part of sale instance 07.11.2006 (Ex.PW4/1) owing to its more advantageous location. Learned Senior Counsel asserts that in such circumstances, the learned Reference Court should, at the very least, have relied upon the sale instance Ex.PW4/1 for the purpose of determination market value of the acquired land in the present case(s).

6.1. Learned Senior counsel further contends that the landowners were entitled for award of appreciation @ 15% for the time gap between the date of sale instance Ex.PW4/1 dated 07.11.2006 and the date of notification (i.e. 07.09.2007) under Section 4 of the 1894 Act in the case(s) in hand. He thus, submits 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.

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

7. Per contra, learned counsel appearing on behalf of the respondent(s)-State, relying upon a screenshot obtained from Google Earth and referring to the locations of the acquired land *vis-à-vis* the

land forming part of the sale instance dated 07.11.2006 (Ex.PW4/1), submits that the distance between the two parcels was approximately 1.9 kilometres, thus, the sale deed Ex.PW4/1 was rightly discarded by the learned Reference Court.

7.1. Learned counsel further points out that in fact, the appellants/ landowners did not approach the Court with clean hands as two of the landowners, namely, Chint Ram @ Chinta Ram and Ashish Mittal, colluded to execute one sale deed Ex.R-1 dated 17.04.2008 vide which 9K-5M of land falling in rect. No. 39 Qilla No. 3/2, in the revenue estate of Village Behrola, the then Tehsil Palwal, District Faridabad was sold for Rs.31,22,000/-. He points out that the aforementioned sale instance was executed between Chinta Ram and Ashish Mittal in the capacity of vendor and vendee respectively, after the issuance of notification under Section 4 of Act in the case(s) in hand which was clearly indicative of foul play.

7.2. He further points out that the sale instance Ex.R-1 even formed part of the present acquisition carried out in terms of the notification dated 07.09.2007 under Section 4 of the Act; and both the vendor, Chinta Ram, and the vendee, Ashish Mittal, were also the objectors to the award passed by the LAC vide LAC No.7/2011 and LAC No.15/2011, corresponding to RFA Nos. 10390 of 2014 and 2112 of 2015, respectively. He thus submits that such landowners who attempted to fabricate evidence in collusion with one another by executing a sale deed after the issuance of the notification under

Section 4 of the Act, that too pertaining to the acquired parcel of land, were not entitled to any benefit of enhancement towards the market value on account of such unfair and *malafide* conduct.

7.3. In the alternative, learned counsel for the respondent(s)-State submits that since the sale transaction dated 17.04.2008 (Ex.R-1) formed part of the acquired land, at best, the market value in the present case(s) can be assessed by applying the principle of de-escalation for the time gap between the date of the said sale instance dated 17.04.2008 upto the date of notification under Section 4 of the Act in the case(s) in hand (i.e.07.09.2007). He submits that in any eventuality, the market value cannot exceed Rs. 27,01,008/- per acre, applying de-escalation @ 15% per annum.

7.4. Learned State counsel also submits that in the present case(s), the appellants-landowners did not adduce any cogent evidence on record pertaining to the locational and potential advantage attached to the acquired land forming part of revenue estate of Village Behrola, and, thus, failed to discharge the burden of proof in support of their claim for enhancement of market value. He thus submits that the appeal(s) preferred at the instance of appellants-landowners were liable to be dismissed. No other argument has been advanced by learned counsel for the respondent(s)-State.

DISCUSSION AND REASONING: -

8. I have heard learned counsel for the parties and gone

through the paper-book.

9. In the present case(s), the acquisition proceedings commenced vide notification dated 07.09.2007 issued under Section 4 of the Act in the revenue estate of Village Behrola, then Tehsil Palwal, District Faridabad, for the public purpose, namely, “*for construction of Police line and its staff quarters*”. It would be relevant to take note of the sale instances produced by the appellants and the respondents in order to substantiate their effective claims, the details thereof are extracted hereunder:-

SALE DEEDS PRODUCED BY THE APPELLANTS/ LANDOWNERS

Sr. No.	Sale Exhibits	Date of sale deed	Area	Name of village	Total Sale consideration (Rs.)	Value per acre
1.	Ex.PW4/1	07.11.2006	4K-5M	Atohan	Rs.55,00,000/-	Rs.1,06,02,410/-
2.	Ex.PW7/A	07.11.2006	4K-5M	Atohan	Rs.55,00,000/-	Rs.1,06,02,410/-

SALE DEEDS PRODUCED BY THE RESPONDENT(S)/STATE

Sr. No.	Sale Exhibits	Date of sale deed	Area	Name of village	Total Sale consideration (Rs.)	Value per acre
1.	Ex.R-1	17.04.2008	9K-5M	Behrola	Rs.31,22,000/-	Rs.27,00,108/-

10. Much emphasis has been laid by learned State counsel towards the execution of sale deed dated 17.04.2008 (Ex.R-1) qua 9K-5M of land falling in rect. No. 39 Qilla No. 3/2, in the revenue estate of Village Behrola, the then Tehsil Palwal, District Faridabad. it has been alleged that the said sale deed was executed in collusion by the vendor, Chinta Ram and the vendee, Ashish Mittal, for a land parcel which formed part of the acquired land with both the vendor

and vendee being the interested persons in their respective references filed under Section 18 of the Act and followed by filing of RFAs before this Court for seeking enhancement of compensation. The details of the reference petitions and RFAs preferred by Chinta Ram and Ashish Mittal are extracted hereunder:-

- “1. LAC No.7/2011 corresponding to RFA 10390 of 2014
2. LAC No.15/2011 corresponding to RFA 2112 of 2015”

10.1. It has thus been submitted by learned State counsel that once a collusive and mischievous attempt was made by the persons interested having created the sale deed dated 17.04.2008 as piece of evidence for the purpose of claiming higher market value, the claim made by the appellants-landowners towards enhancement of compensation driven by unfair means was liable to be outrightly rejected by this Court.

10.2. In the humble opinion of this Court, the aforesaid contentions raised by learned counsel appearing on behalf of the respondent(s)-State sans merit for the following reasons:-

- (i) The sale deed Ex.R-1 dated 17.04.2008 was produced on record and proved by RW1, namely, Sh. Brij Mohan, Clerk, in the office of SDM, Palwal. In his entire deposition, neither in the examination-in-chief; nor in the cross-examination, did he make any allegation of mischief or collusive conduct between the vendor and the vendee in relation to the said sale instance so as to

obtain undue benefit towards enhancement of the market value of their acquired land. Furthermore, no such case was even put forth by the respondent(s)–State to any of the witnesses examined by the appellants–landowners. In such circumstances, it was impermissible to allow the respondent(s)–State to introduce an entirely new case at this stage, thereby, taking the appellants–landowners by surprise, especially when they were not afforded an opportunity to rebut the same by leading evidence to the contrary so as to prove as to under what circumstances, the sale deed Ex.R1 was executed . Moreover, no such plea or argument was ever raised by the respondent(s)–State before the learned Reference Court.

- (ii) A perusal of the record further shows that merely an attested copy of the sale deed dated 17.04.2008 was produced on record which was marked as Ex.R-1 by the Court concerned. It is pertinent to mention here that Sh. Brij Mohan (RW-1) did not even state in his deposition as to by whom the sale deed dated 17.04.2008 was attested. In any case, a perusal of Ex.R1 shows that the same was not a certified copy issued by the office of Sub Registrar, Palwal and thus, the said document was not admissible in evidence. The record further shows that the sale deed dated 17.04.2008 (Ex.R1) was produced on

record by Sh. Brij Mohan, (RW-1) before the learned Reference Court on 11.10.2013 whereupon, a specific objection was raised by learned counsel representing the landowners at the time when it was exhibited before the Court. Therefore, respondent(s)-State having failed to produce the certified copy of the sale deed dated 17.04.2008 so as to avail the benefit of Section 51-A of the Act, the same cannot be relied upon as a valid piece of evidence.

- (iii) Admittedly, the sale deed dated 17.04.2008 (Ex.R-1) as executed between the vendor, Chinta Ram, and the vendee, Ashish Mittal-both being persons interested in the acquired land; was after the date of notification issued under Section 4 of the Act in the case(s) in hand on 07.09.2007. However, the same was executed much prior to the date of notification under Section 6 thereof, issued on 06.01.2009. As such, there was no legal embargo with the vendor or vendee in executing the said sale deed.

If at all, had it been the intention of the vendor or vendee to secure the undue advantage *qua* enhancement of compensation in respect of the acquired land, the sale deed dated 17.04.2008 (Ex.R1) would have been produced on record by the landowners

(persons interested) as a piece of evidence before the learned Reference Court. However, the sale deed dated 17.04.2008 was never relied upon or produced as a piece of evidence by the vendor, the vendee or any other landowner in support of their claim for enhancement of compensation before the learned Reference Court.

- (iv) The landowners/persons interested with respect to the acquisition in hand were Chinta Ram and Ashish Mittal, whereas the sale deed dated 17.04.2008 (Ex.R1) was executed between Chinta Ram and M/s Shree Motors Pvt. Ltd., albeit through Ashish Mittal. Thus, strictly construed, both the parties to the sale deed dated 17.04.2008 could not be treated as the persons interested in the acquired land and only Chinta Ram, as vendor could be considered as such.

10.3. In view of the detailed discussion made hereinabove, the sale deed dated 17.04.2008 (Ex. R-1) produced on record by the respondent(s)-State being post notification was not to be taken into account as a valid piece of evidence and thus, had no evidentiary value for the purpose of adjudication of the case(s) in hand. Furthermore, the execution of sale deed Ex.R1 as such never created any shadow over the conduct of its vendor and vendee being the landowners/ persons interested.

11. With respect to the evidence led by the appellants-

landowners, it has been pointed out here that no sale instance pertaining to the revenue estate of Village Behrola was produced on record by them. The only sale instance produced in the form of Ex.PW4/1 dated 07.11.2006 relates to the revenue estate of Village Atohan. However, from the evidence available on record, it has been duly established that the revenue estates of Village Behrola and Village Atohan are located exactly opposite to each other, separated by the National Highway connecting Delhi to Mathura.

12. Further, from the perusal of document mark 'X', produced by the learned State counsel, it is evident that the acquired land forming part of the revenue estate of Village Behrola is exactly located on the National Highway leading from Delhi to Mathura road. The learned Reference Court, upon appreciation of material available on record, also noted the locational and potential advantage attached to the acquired land parcel. The relevant findings to this effect in para 21 of the decision of learned Reference Court are extracted hereunder:-

“The acquired land is located near the Palwal township. Judicial Complex and Mini Secretariat are approximately at a distance of 2 kilometers. Village Behrola is just few meters away from National Highway No. 2 i.e. Delhi-Mathura Road. Village Atohan is situated opposite to it on the same National Highway.”

No material was brought on record or relied upon by learned State counsel to controvert the aforesaid finding that the

revenue estates of Villages Behrola and Atohan are located opposite each other, therefore, the said finding has attained finality and is conclusive.

12.1. In such circumstances, it is apparent that the revenue estates of Villages Behrola and Atohan, both located on National Highway leading from Delhi to Mahura, carried similar locational and potential advantage. Thus, the sale instance dated 07.11.2006 (Ex.PW4/1) vide which 4K-5M of land pertaining to Village Atohan was sold for Rs.55,00,000/- with the base price of Rs.1,06,02,410/- per acre, needs to be relied upon for the purpose of determination of the market value in the case(s) in hand.

13. Furthermore, taking into account the fact that there exists a time gap of around 10 months between the date of sale instance Ex.PW4/1 (07.11.2006) and the notification issued under Section 4 of the Act in the case(s) in hand (07.09.2007), therefore, for the said time period, an appropriate appreciation needs to be awarded in favour of the appellants-landowners. Admittedly, from the perusal of Mark 'X', it can be discerned that the acquired land parcel abuts the National Highway leading from Delhi to Mathura road whereas the land parcel forming part of the sale instance Ex.PW4/1 is approximately 300 meters away from the National Highway, thus, it is evident that the acquired land was placed in more advantageous position than the land parcel forming part of the sale instance. Ex.PW4/1. In such circumstances, it would be appropriate to apply an

appreciation @ 10% (total) over the base price derived from the said sale instance.

14. However, taking into consideration the fact that the acquired land parcel in the case(s) in hand is a large chunk of land measuring 513 K-3M; whereas the sale instance dated 07.11.2006 (Ex.PW4/1) relates to merely 4K-5M, a deduction of 1/3rd would suffice towards smallness of are involved therein. Accordingly, the price per acre comes to Rs. 77,75,101/- as per the calculation below:-

Calculation:-

Sale deed dated 07.11.2006 (Ex.PW4/1)	Base Price = Rs.1,06,02,410/- per acre
Appreciation @ 10% for 10 months	1,06,02,410 + 10,60,241 (Base Price + Interest) =1,16,62,651/-
Deduction of 1/3rd	1,16,62,651 - 38,87,550.33 (Price – 1/3 of Price) = 77,75,100.67
Net Value	Rs. 77,75,101/- (rounded off)

15. Further, in the given facts since the acquisition in the case(s) in hand was carried out for the public purpose, namely, “*for construction of Police line and its staff quarters*” as such, the respondent(s) neither suffered any loss towards optimum utilization of the area acquired nor did it incur expenditure towards providing of additional infrastructural amenities, thus, no cut towards development cost needs to be imposed.

16. Accordingly, the market price for the acquired land as on the date of notification under Section 4 of the 1894 Act in the case at hand comes to Rs. 77,75,101 /- per acre.

17. In view of the aforesaid discussion, impugned award dated 28.08.2014 passed by the learned Reference Court is modified and the appellants-landowners are held entitled for award of market value at the **rate of 77,75,101/- per acre**. The appellants-landowners 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. Further, 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.

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

02.04.2026
sanjay

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned?

Whether Reportable?

Yes/No

Yes/No

<u>Sr.No.</u>	<u>Case No.</u>
1.	RFA-10261-2014 (O&M)
2.	RFA-10269-2014 (O&M)
3.	RFA-10270-2014 (O&M)
4.	RFA-10271-2014 (O&M)

5.	RFA-10272-2014 (O&M)
6.	RFA-10273-2014 (O&M)
7.	RFA-10274-2014 (O&M)
8.	RFA-7693-2014 (O&M)
9.	RFA-10390-2014 (O&M)
10.	RFA-2112-2015 (O&M)
11.	RFA-4511-2015 (O&M)
12.	RFA-216-2016 (O&M)
13.	RFA-217-2016 (O&M)
14.	RFA-218-2016 (O&M)
15.	RFA-219-2016 (O&M)
16.	RFA-4067-2018 (O&M)

02.04.2026
sanjay

(HARKESH MANUJA)
JUDGE