



141 (15 cases)

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****RFA No. 5435 of 2017 (O&M)
and “14” connected cases
Date of Decision: 24.03.2026**

State of Haryana and another

...Appellant

Versus

Nathu Ram (deceased) through LR's

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJAPresent: Mr. Abhinash Jain, Deputy Advocate General, Haryana
for the appellant(s)-State of Haryana.Mr. Abhimanyu Singh, Advocate
for the respondent(s)-landowner(s).

HARKESH MANUJA, J. (ORAL)

This order shall dispose off the present fifteen (15) appeals bearing RFA Nos. **5435 (lead case)**, 5436, 5437, 5438, 5439, 5440, 5441 and 5442 of 2017; 61, 2482 2483, 2484, 2761, 2762 and 3210 of 2018; 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 questions of law and facts are involved in these appeals, therefore, for the sake of convenience, facts are being culled out from RFA No. 5435 of 2017, an appeal filed by the State of Haryana.

[3] The appellant(s)-State of Haryana, having instituted the aforesaid appeal, preferred under Section 54 of the Land Acquisition Act, 1894 (**for short “1894 Act”**), seeks modification of the award dated 14.03.2017 passed by the learned Additional District Judge, Bhiwani (**hereinafter to be referred as “Reference Court”**), for reduction of compensation amount.

FACTS

[4] The relevant date(s) / particulars of the acquisition are as under:-

Particulars	Relevant date / description
Notification under Section 4 of the Land Acquisition Act, 1894 was issued	04.12.2012
Final declaration under Section 6 of the Land Acquisition Act, 1894	19.03.2013
Area	12 kanal 4 marla
Village	Ghuskani
District	Bhiwani
Purpose	Construction of Mitathal Ghushkani link drain in Village Ghuskani, Tehsil & District Bhiwani
Land Acquisition Collector’s Award No. & Date	4 dated 21.10.2013
Land Acquisition Collector’s Award	Rs. 12 lakhs per acre
Reference Court’s Award Date	14.03.2017
Reference Court’s Award	Rs. 15 lakh per acre alongwith statutory benefits

[5] Dissatisfied with the award dated 14.03.2017 passed by the learned Reference Court, the present appeal(s) were preferred at the instance of appellant(s)-State of Haryana as well as the respondent(s)-landowner(s).

CONTENTION(S):

ON BEHALF OF APPELLANT(S)-STATE OF HARYANA

[6] Impugning the aforesaid award dated 14.03.2017, learned State Counsel representing the appellant(s)-State submits that the sale instances Exhibits P-3 to P-5 pertained to small land parcels and thus were rightly ignored by the learned Reference Court. He further submits that the award passed by the LAC was based upon proper appreciation of the relevant circumstances, thus, the award of the learned Reference Court was to be set aside and that of LAC was to be restored and the appeal(s) in hand preferred by the State of Haryana were liable to be allowed.

ON BEHALF OF THE RESPONDENT(S)-LANDOWNER(S)

[7] On the other hand, learned counsel(s) for the respondent(s)-landowner(s) submits that the learned Reference Court went wrong having not taken into account the sale exemplars Exhibits P-3 to P-5 produced by the respondent(s)-landowner(s). He further submits that no reasons at all were recorded by the learned Reference Court while discarding the aforementioned sale instances. Learned counsel further points out that once, it was recorded by the learned Reference Court that the acquired land parcel was abutting the abadi of Village Ghuskani and was in close proximity to one school as well as bus stop, the market value was required to be re-assessed after taking into account the sale deeds Exhibits P-3 to P-5. He thus prays that the appeals preferred at the instance of landowners be allowed.

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 respondent(s)-landowner(s).

[9] In the present case, upon appreciation of the pleadings and the evidence available on the record, a positive finding of fact has been recorded by the learned Reference Court to the effect that the acquired land parcel forming part of the revenue estate of Village Ghuskani was abutting the abadi of village and was also in close vicinity to the school as well as bus stop and thus carried potential value. The findings in this regard were recorded in para-22 of the award passed by the learned Reference Court, which is extracted hereunder:-

*“22. From the above discussed oral and documentary evidence, **it emanates that the acquired land was situated near the abadi of village Ghuskani.** It was acquired for the construction of Mitathal-Ghuskani drain at public expenses. The major part of the land was getting canal water for the purpose of irrigation. Admittedly, the land which gets canal irrigation water has capacity to give good yield. The land which gets canal water its under water table also increases. The water quality also gets improved. **One school and bus stop were situated near the acquired land.** All these facts go to show that the Land Acquisition Collector failed to look into the advantageous position and potentiality of the acquired land in right perspective and true spirit. ”*

[10] Further, in support of the claim set up by the respondent(s)-landowner(s) for seeking enhancement of compensation, the following sale instances were produced on record:-

Exhibit on sale deeds	Sale Deed No. / Date of execution	Area in Kanal- Marla	Sale consideration (In Rs.)	Rate per acre (In Rs.)	Revenue estate (village)
P-3	1211/ 08.05.2012	0K-2 M	60,000/-	37,23,076/-	Ghuskani
P-4	1357/ 10.05.2012	0K-13M	2,91,000/-	36,39,379/-	Ghuskani
P-5	1659/ 20.05.2011	0K-8M	1,68,000/-	33,88,000/-	Ghuskani

[10.1] Though, the above sale instances relate to small parcels of land, however, in view of the law laid down by the Hon’ble Apex Court in case “***Horrmal (Deceased) through his LRs and others Versus State of Haryana and others***”, reported as **2024 (4) RCR (Civil) 758**, even the sale exemplar pertaining to small parcel of land can be relied upon for the purpose of determination of market value. From the record, it can be discerned that all the sale exemplars Exhibits P-3 to P-5 pertain to the same revenue estate i.e. Village Ghuskani. Moreover, no evidence has been led by appellant(s)-State to establish that there was any difference in the nature or potential of land parcels forming part of the sale instances Exhibits P-3 to P-5 *vis-à-vis* the acquired land.

[10.2] In such circumstances, the sale instances Exhibits P-3 to P-5 were required to be relied upon for determination of market value in the case(s) in hand. Although, for the purpose of determination of market value against the acquired land, the sale deed fetching the highest sale price needs to be taken into account, however, in the present case(s), the sale deed dated 08.05.2012 (Exhibit P-3) which carries the highest sale price pertains to merely 2 marlas of land; whereas on the other hand, the sale deed dated 10.05.2012 (Exhibit P-4) relates to 13 marlas of land, thus it would be more appropriate to rely upon the same.

[10.3] Accordingly, in the given facts and circumstances, the sale deed dated 10.05.2012 (Exhibit P-4) vide which 13 marla of land, forming part of the revenue estate of Village Ghuskani, was sold for Rs. 2,91,000/- with the base price per acre of Rs. 36,39,379/- is being relied upon being the best suitable sale exemplar.

[11] Further, in the present case, acquisition pertains to 12 kanal 4 marlas of land from the revenue estate of Village Ghuskani, whereas the sale exemplar dated 10.05.2012 (Exhibit P-4) relates to 13 marla of land, therefore, it would be appropriate to apply deduction of one-third over the base price derived from sale deed dated 10.05.2012 (Exhibit P-4) towards smallness of area of the sale exemplar.

[12] In the given facts and circumstances, no deduction towards the development cost needs to be applied as the acquisition proceedings were carried out for the public purpose, namely *“Construction of Mitathal Ghushkani link drain in Village Ghuskani, Tehsil & District Bhiwani”* and the appellant(s)-State did not suffer any loss of land nor did it incur any cost towards providing of additional infrastructural amenities.

[13] Accordingly, the market value of the land under present acquisition is re-assessed at the rate of Rs. 24,26,253/- as per calculation below:-

Description	Amount per acre (in Rs.)
Base price of the land (as per sale deed Exhibit P-4)	36,39,379.00
Less: 1/3 rd towards smallness of area (Rs. 36,39,379 ÷ 3)	12,13,126.33
	24,26,252.67
Net Compensation	24,26,253.00 (Round Off)

DECISION

[14] In view of the aforesaid discussion, impugned award dated 14.03.2017 passed by the learned Reference Court is modified and the respondent(s)-landowner(s) are held entitled for award of market value at the rate of **Rs. 24,26,253/- per acre**. The 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.

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

[16] 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.

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

March 24, 2026

‘dk kamra’

**(HARKESH MANUJA)
JUDGE**

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