119 (17 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA No. 3458 of 2009 (O&M)
and "16" connected cases
Date of Decision: 13.05.2026

Hira Singh

...Appellant

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Deepak Saini, Advocate with
Ms. Surbhi Rana, Advocate and
Ms. Vamika Johar, Advocate;
Mr. Kewal Krishan, Advocate for
Mr. Vivek Aggarwal, Advocate;
for the appellant(s)-landowner(s).

Mr. Abhinash Jain, Deputy Advocate General, Haryana
for the respondent(s)-State of Haryana.

****

HARKESH MANUJA, J. (ORAL)

This order shall dispose off the present seventeen (17) appeals bearing RFA Nos. **3458 (lead case)**, 3460, 3461, 3462, 3463, 3736, 3837, 3838, 3840, 3939, 3940, 3955, 5104 & 5106 of **2009**; 368 & 548 of **2010**; and 7656 of **2011**; as the same arise out of common acquisition / award.

[2] In all appeals, the appellant(s)-landowner(s) are seeking further enhancement of compensation for the acquired land.

[3] The appellant(s)-landowner(s), by way of present appeal(s) preferred under Section 54 of the Land Acquisition Act, 1894 **(for short "1894 Act")**, seek modification of the award dated 30.04.2009 passed by the learned Additional District Judge, Kurukshetra **(hereinafter to be referred as "Reference Court")**, for enhancement of compensation amount.

FACTS

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

Particulars	Relevant date / description
Notification under **Section 4** of the Land Acquisition Act, 1894	24.07.2003
Final declaration under **Section 6** of the Land Acquisition Act, 1894	22.07.2004
Village(s)	(i) Sunderpur (ii) Darra Kalan; and (iii) Palwal
Total extent acquired	(i) 81.04 acres (Village Sunderpur) (ii) 3.51 acres (Village Darra Kalan) (iii) 5.36 acres (Village Palwal)
Had Bast No.	(i) 375 (Village Sunderpur) (ii) 379 (Village Darra Kalan) (iii) 373 (Village Palwal)
Tehsil & District	Thanesar & Kurukshetra
Public Purpose	**Development and utilization of land as Residential, Commercial, Transport and Communicational Zone for Sectors 9 and 14 in the Urban Estate, Kurukshetra.**
Land Acquisition Collector's Award No. & Date	3 dated 21.07.2006 (Village Sunderpur) 4 dated 21.07.2006 (Village Darra Kalan) 5 dated 21.07.2006 (Village Palwal)
Land Acquisition Collector's Award	**(i) Village Sunderpur** Rs. 7.5 lakhs per acre for 'A' class land; Rs. 5 lakhs per acre for other land i.e. *Chahi;* Rs 56,42,270/- as compensation for building /structures; and Rs. 12,71,477/- as compensation for trees alongwith other statutory benefits under the 1894 Act. **(ii) Village Darra Kalan** Rs. 5 lakhs per acre for *Chahi* land alongwith other statutory benefits under the 1894 Act. **(iii) Village Palwal** Rs. 5 lakhs per acre for *Chahi and Gair Mumkin* land; and Rs. 4,563/- as compensation for trees alongwith other statutory benefits under the 1894 Act.

Reference Court's Award Date	**30.04.2009**
Reference Court's Award	Reference(s) partly accepted; Rs. 7.5 lakhs per acre for K.D.B. Road upto the depth of two acres and Rs. 5 lakhs per acre for other land treating the land as agriculture land and further categorizing the same as "A Class land B Class land respectively for the acquired land alongwith other statutory benefits provided under the 1894 Act; besides the landowners shall be paid annuity for 33 years over and above the usual land compensation of Rs. 7.5 lakhs and Rs. 5 lakhs per acre and the amount of annuity will be Rs. 15,000/- per acre per annum and shall be increased by fixed sum of Rs. 500/- per year.

[5] Dissatisfied with the aforesaid award dated 30.04.2009 passed by the learned Reference Court, the present appeal(s) have been preferred at the instance of appellant(s)-landowner(s).

CONTENTION(S):

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

[6] Impugning the aforesaid award dated 30.04.2009, learned counsel(s) for the appellant(s)-landowner(s) submit(s) that the learned Reference Court went wrong having failed to rely upon the sale instances produced by the landowner(s) in the form of Exhibit P-11 to P-18 which mainly pertained to the revenue estate of Village Sunderpur forming part of the acquired land.

[6.1] Learned counsel(s) for the appellant(s)-landowner(s) further contend(s) that the learned Reference Court in the alternate was required to rely upon the decision dated 26.04.2006 (Exhibit

P-8) passed in ***RFA No. 2384 of 1996***, titled ***"Bhura Singh Versus State of Haryana and another"***, whereby this Court assessed the market value at the rate of Rs. 7,26,000/- per acre for the revenue estate(s) of Villages Devi Das Pura, Ratgal, **Sunderpur** and **Palwal** in District Kurukshetra. Pertinently, in ***Bhura Singh's case (supra)***, the land was acquired vide notifications dated 21.04.1992 & 08.03.1993 issued under Sections 4 & 6 of the 1894 Act respectively, for the public purpose, namely, "*for the development and utilization of land for residential and commercial purpose for carving out Sector-8, Kurukshetra".* While referring to the site plan (Exhibit P-1), learned counsel(s) for the appellant(s) submit(s) that the land parcel forming part of the revenue estate of Village Sunderpur which was previously acquired vide notification dated 21.04.1992 is just abutting and adjoining the land parcel under the present acquisition and thus, an appreciation at the rate of 12% per annum was required to be granted in favour of the appellant(s)-landowner(s) over and above the market value assessed by this Court in ***Bhura Singh's case (supra)*** for the time gap between the previous notification dated 21.04.1992 till the date of notification under Section 4 of the 1894 Act in the case(s) at hand, i.e. 24.07.2003.

[6.2] Learned counsel(s) for the appellant(s) also point(s) out that the entire acquisition carried out from the three revenue estate(s) of Village(s) Sunderpur, Darra Kalan and Palwal was a compact block and the land parcel acquired from all the three revenue estate(s) was abutting the already existing developed

Sector-8, Kurukshetra. Learned counsel(s) thus submit(s) that for all the three revenue estate(s), one uniform market value was to be awarded in favour of the appellant(s)-landowner(s).

No other argument has been addressed on behalf of the appellant(s)-landowner(s).

ON BEHALF OF RESPONDENT(S)-STATE OF HARYANA

[7] On the other hand, learned counsel for the respondent(s)-State of Haryana submits that the sale deeds produced by the appellant(s)-landowner(s) were mainly relating to the revenue estate of Village Sunderpur, which thus could not be relied upon for the purpose of determination of the market value of the land parcel acquired from the two other revenue estates of Villages Darra Kalan and Palwal. He also points out that the learned Reference Court failed to take into account the sale deeds produced by the respondents, as per which, the market price per acre was approximately Rs. 7,00,000/-.

[7.1] Learned State Counsel further contends that the impugned award(s) passed by the learned Reference Court being based on proper appreciation of evidence and the pleadings available on record, call(s) for no interference; as such, no modification therein was required and thus, the present appeals are liable to be dismissed.

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 appellant(s)-landowner(s).

VILLAGE–SUNDERPUR

[9] Before proceeding in the matter, it may be relevant to take note of the sale exemplars produced by both the parties in order to support their respective claim:-

(i) Sale-deeds produced by the appellant(s)-landowner(s):-

Sr. No.	Exhibit	Sale Deed No.	Date	Land Area (Kanal-Marla)	Total Sale Consideration (in Rs.)	Price Per Acre (in Rs.)	Revenue Estate / Village	Rect. No.
1	P-11	1863/1	07.09.1992	1K-19M	1,76,719/-	7,25,071/-	Sunderpur	4
2	P-12	2022/1	05.10.1992	42K-2M	32,89,062/-	6,26,488/-	Sunderpur	4
3	P-13	2426/1	24.08.1999	1K-4M	3,63,000/-	24,20,000/-	Sunderpur	10
4	P-14	2427/1	24.08.1999	0K-12M	1,81,500/-	24,20,000/-	Sunderpur	10
5	P-15	2428/1	24.08.1999	0K-12M	1,81,500/-	24,20,000/-	Sunderpur	10
6	P-16	7584/1	02.11.2006	12K-2M	45,37,500/-	30,00,000/-	Sunderpur	--
7	P-17	818/1	23.11.2006	21K-10½ M	80,71,875/-	30,00,000/-	Sunderpur	--
8	P-18	1268/1	24.05.2007	16K-0M	21,22,14,618/-	10,61,07,309/-	Ratgal	--

(ii) Sale-deeds produced by the respondent(s)-State of Haryana:-

Sr. No.	Exhibit	Sale Deed No.	Date of sale deed	Land Area (Kanal-Marla)	Total Sale Consideration (Rs.)	Price Per Acre (in Rs.)	Revenue Estate/ Village
1	R-1	46	02.04.2004	3K-10M	3,06,300/-	10,00,000/-	Sunderpur
2	R-2	3140/1	17.06.2005	--	2,00,000/-	--	Sunderpur
3	R-3	3624	04.06.2005	1K-4M	1,13,000/-	7,53,333/-	Sunderpur
4	R-4	3729	21.07.2004	4K-0M	3,50,000/-	10,00,000/-	Sunderpur
5	R-5	5563	04.10.2004	1K-6M	1,13,750/-	7,00,000/-	Sunderpur
6	R-6	4669	22.08.2005	4K-0M	3,75,000/-	7,50,000/-	Sunderpur
7	R-7	5228	20.09.2004	2K-0M	1,75,000/-	7,00,000/-	Sunderpur
8	R-8	7207	06.12.2004	2K-10M	1,50,750/-	7,00,000/-	Sunderpur

9	R-9	7208	06.12.2004	6K-7M	5,00,000/-	7,00,000/-	Sunderpur
10	R-10	7209	06.12.2004	5K-3M	3,00,000/-	7,00,000/-	Sunderpur
11	R-11	7210	06.12.2004	3K-11M	2,50,000/-	7,00,000/-	Sunderpur
12	R-12	5227	20.09.2004	7K-0M	6,12,500/-	7,00,000/-	Sunderpur

[9.1] To start with the sale exemplars of respondents in the form of Exhibits R-1 to R-12, it may be noticed here that though the same were of the revenue estate of Village Sunderpur, but pertain to period subsequent to notification dated 24.07.2003 issued under Section 4 of the 1894 Act in the case(s) at hand; as such, need not be relied upon, and thus were rightly discarded.

[9.2] Moreover, the sale deeds Exhibits P-16 to P-18 produced by the appellant(s)-landowner(s) were also post notification under Section 4 of the 1894 Act in the case(s) at hand, therefore, it was not justified to place reliance upon the same.

[9.3] Further, out of remaining, the two sale instances Exhibits P-11 & P-12 produced by the appellant(s)-landowner(s) relate to the year 1992, whereas the three sale instances Exhibits P-13 to P-15 pertained to the year 1999, whereas the notification under Section 4 of the 1894 in the case(s) at hand was issued on 24.07.2003. In such circumstances, it was appropriate to rely upon the sale instances Exhibits P-13 to P-15 being in close temporal proximity, with the base price per acre as Rs. 24,20,000/-. Moreover, all the aforementioned sale deeds which pertained to land parcels forming part of Rectangle No. 10, Village Sunderpur, District Kurukshetra are apparently located in close proximity to the acquired land, as it can be traced out from the records that certain land parcels comprised in Rectangle No. 10 of the revenue estate of Village Sunderpur were also under the present acquisition proceedings.

[10] From the perusal of site plan / Exhibit P-1, it is also evident that the entire acquired land parcel in the case(s) at hand, which formed part of the three revenue estate(s) of Villages Sunderpur, Darra Kalan, Palwal abuts an already developed residential and commercial Sector-8, Kurukshetra regarding which the acquisition commenced way-back in the year 1992 vide notification dated 21.04.1992 issued under Section 4 of the 1894 Act. Thus, in the given circumstances, considering the gap of around 11 years between the two notifications, there would have been a deemed appreciation towards the potential advantage attached to the acquired land in the case(s) at hand being adjacent to Sector-8, Kurukshetra. Accordingly, an appreciation at the rate of 12% needs to be applied over the base price derived from the sale instance dated 24.08.1999 (Exhibit P-13), vide which, land measuring 1 kanal 4 marla was sold for Rs. 3,63,000/- with the base price per acre of Rs.24,20,000/-.

[11] Further, taking into account the fact that the total acquisition from the revenue estate of Village Sunderpur is 81.04 acres, whereas the land parcel forming part of sale instance dated 24.08.1999 (Exhibit P-13) has only been 01 kanal and 04 marla, a cut of 25% needs to be applied towards smallness of area involved in the sale exemplar / Exhibit P-13.

[12] Moreover, taking into account the fact that the acquisition in the present case(s) was carried out for the public purpose, namely *"for development and utilization of land as residential, commercial, Transport and Communicational Zone for Sectors 9 & 14 in the Urban Estate, Kurkshetra"*, the respondent(s)-State definitely suffered loss of land as well as cost towards providing of basic/additional infrastructural amenities; therefore, in the considered opinion of this Court, an additional cut of 30% towards development cost needs to be applied.

[13] Accordingly, the market value of the land under present acquisition with regard to **Village Sunderpur** is re-assessed at the rate of Rs. 16,00,000/- per acre, as per calculation below:-

Description	**Amount per acre (in Rs.)**
Base price of the land (as per sale deed Exhibit P-13)	24,20,000.00
Add: Appreciation 12% per annum Rs. 24,20,000 x 12/100 x 47 / 12) (from 24.08.1999 to 24.07.2003 = 47 months)	11,37,400.00
	35,57,400.00
Less: 55% cut towards smallness of area and development (25% + 30% respectively) (Rs. 35,57,400 x 55/100)	19,56,570.00
	16,00,830.00
Net Compensation	**16,00,000.00 (Round Off)**

[14] Simultaneously, in the case(s) at hand, the reliance is being placed upon the determination by this Court vide decision dated 26.04.2006 (Exhibit P-8) passed in case of ***Bhura Singh (supra)*** as per which the land forming part of four revenue estate of Villages Devi Das Pura, Ratgal, Sunderpur and Palwal, District Kurukshetra **(Villages Sunderpur and Palwal involved in the**

present acquisition) was acquired vide notification dated 21.04.1992 issued under Section 4 of the 1894 Act, and the market value was assessed at the rate of Rs. 7,26,000/- per acre. A perusal of the record shows that the said acquisition was carried out for the public purpose, namely, *"for the development and utilization of land for residential and commercial purpose for carving out Sector-8, Kurukshetra"*. As already stated hereinabove, in view of the site plan (Exhibit P-1), the land parcel previously acquired vide notification dated 21.04.1992 issued under Section 4 of the 1894 Act is abutting the present acquired land. In such circumstances, in case an appreciation of 10% for the long time gap between the previous notification dated 21.04.1992 till the date of notification dated 24.07.2003 issued under Section 4 of the 1894 Act in the case(s) at hand (i.e. 11 years and 3 months = Total 135 months) is applied over the market value of Rs. 7,26,000/- as assessed in case of ***Bhura Singh (supra)***, the price of the land per acre comes to Rs.15,42,750/- which does not differ significantly from the assessment made by this Court on the basis of sale deeds produced by the landowners. In such circumstances, the appellant(s)-landowner(s) whose land forming part of the revenue estate of **Village Sunderpur** had been acquired, are held entitled for market value at the rate of Rs. 16,00,000/- per acre with respect to the present acquisition proceedings.

VILLAGE(S)–PALWAL & DARRA KALAN

[15] A perusal of the record shows that in the present acquisition, **5.36 acres** of land was acquired from the revenue estate of **Village Palwal**, whereas **3.51 acres** of the acquired land formed part of the revenue estate of **Village Darra Kalan** and as per the site plan (Exhibit P-1), which was proved on record, it becomes evident and clear that the land parcel forming part of three revenue estate(s) of Villages Palwal, Sunderpur and Darra Kalan formed one compact unit, which was abutting the already developed Sector-8, Kurukshetra. Besides it, the acquired land parcel from all the three revenue estate(s) are located in close proximity to Umri road which further leads to grand trunk road (Delhi-Ambala Section).

[16] In view of the aforesaid facts and circumstances, it would be fair and justify to award the benefit of similar market value at the rate of Rs. 16,00,000/- per acre in favour of the appellant(s)-landowner(s) pertaining to the present acquisition proceedings, forming part of the revenue estate(s) of Villages Palwal and Darra Kalan.

DECISION

[17] In view of the aforesaid discussion, impugned award dated 30.04.2009 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. 16,00,000/- per acre** in respect of **Villages Sunderpur, Palwal and Darra Kalan, Tehsil Thansear, District Kurukshetra**. 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.

[18] 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.

[19] All the appeals are **disposed off** accordingly.

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

May 13, 2026 **(HARKESH MANUJA)**
'dk kamra' **JUDGE**

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