



2026:PHHC:042265

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

**RFA No.790 of 2008**

**Vidya Sagar (since deceased) through LRs . . . Appellant**

**vs.**

**State of Haryana and others . . . Respondents**

**Reserved on: March 16, 2026**

**Pronounced on: March 18, 2026**

**Pronounced fully/operative part : Fully**

**\* \* \* \***

**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

**Argued By:-** Mr. Ashwani Talwar, Sr. Advocate with  
Ms. Vaishnavi Sikka and  
Mr. Deepak Goyat, Advocate for the appellant.

Mr. Gaurav Garg, AAG, Haryana.

Service of respondent No.3 already dispensed with  
vide order dated 29.04.2016.

**DEEPAK GUPTA, J.**

The present appeal under Section 54 of the Land Acquisition Act, 1894 (hereinafter referred to as "the Act") has been preferred by the appellant–landowner seeking modification of the award dated 20.10.2007 passed by the learned Additional District Judge, Panipat (the Reference Court). Vide the impugned award, the Reference Court assessed the market value of the acquired land at ₹140/- per square yard and further apportioned the compensation to the extent of 25% in favour of the appellant and 75% in favour of respondent No.3 – Mai Chand.

2. A perusal of the record reveals that the appellant was the recorded owner of land measuring 2 kanal 11 marla comprised in Khewat No.617/562, Khatoni No.738, Rect. No.34, Khasra No.25/2 (1-11), situated in village Patti Taraf Afghan, Tehsil and District Panipat. The said land, along with other land belonging to various landowners, was acquired vide



notification dated 23.10.1989 issued under Section 4 of the Act for development of Industrial, Commercial and Transport Nagar area in Sector 25 Part-II, Panipat, which was followed by declaration dated 22.10.1990 under Section 6 of the Act. The Land Acquisition Collector announced Award No.18 dated 25.03.1991 and assessed the market value of the acquired land at different rates depending upon its nature and category. However, since an entry existed in the revenue record showing respondent No.3 – Mai Chand as a '*gair Marusi*' tenant, the Collector withheld the payment of compensation to the appellant.

3. Appellant sought reference under Section 18 & 30 of the Act for enhancement of the market value and apportionment. The Land Acquisition Collector, deposited an amount of ₹93,754/- in respect of the acquired land and sent the reference under Sections 18 and 30 of the Act to the Court.

4. The appellant asserted before the Reference Court that he had always remained exclusive owner in self-cultivation of the acquired land and that respondent No.3 had no concern whatsoever with the same. It was specifically pleaded that the entry in favour of respondent No.3 had been wrongly incorporated in the revenue record in connivance with the revenue officials.

5. Despite service, respondent No.3 failed to appear and was proceeded against ex parte. The Reference Court, upon appreciation of the evidence, enhanced the market value to ₹140/- per square yard but, placing reliance upon the judgment in ***Mangat Ram etc. v. State of Haryana etc., 1996 PLJ 401*** apportioned the compensation by granting 25% to the appellant and 75% to respondent No.3.

6.1 Assailing the said award, learned senior counsel for the appellant has contended that respondent No.3 neither appeared before the Reference Court nor led any evidence to establish his possession or tenancy rights. It is submitted that there is no entry in the revenue record showing payment of batai or rent, and the unrebutted testimony of the appellant clearly establishes that he was in self-cultivation of the land. It is further



contended that the apportionment made by the Reference Court is wholly unjustified. Reliance has been placed upon ***Haryana Wakf Board v. State of Haryana and others, 2019 (13) SCC 382***, to contend that only a person in settled and lawful possession can claim apportionment of compensation.

6.2 On the question of market value, it has been argued that the same stands conclusively determined at ₹147/- per square yard by a Coordinate Bench of this Court in ***RFA No.19 of 1995 'Gulab Singh v. State of Haryana', decided on 24.07.2008***, which has attained finality up to the Hon'ble Supreme Court.

7. Learned State counsel appearing for respondent Nos.1 and 2 fairly concedes that the issue of market value is covered by the judgment in ***Gulab Singh (supra)***.

8. Having heard learned counsel for the parties and upon careful appraisal of the record, this Court finds that the market value of the acquired land in the present case is liable to be enhanced. It is not in dispute that the land in question is covered by the same acquisition and notification which formed the subject matter of adjudication in ***Gulab Singh (supra)***, wherein the market value was determined at ₹147/- per square yard. The said judgment having attained finality, the principle of parity requires that similarly situated landowners be granted the same rate. Accordingly, the market value of the acquired land is enhanced to ₹147/- per square yard along with all statutory benefits.

9. The more contentious issue pertains to the apportionment of compensation between the appellant and respondent No.3. The entire basis of apportionment by the Reference Court is the entry of respondent No.3 as a *gair Marusi* tenant in the revenue record. However, the appellant, while appearing as PW-1, categorically deposed that he remained in continuous possession and self-cultivation of the land and that the same was never leased out to respondent No.3. This testimony has remained completely un rebutted. Furthermore, the jamabandi for the year 1993-94 placed on



record reflects the appellant as owner in possession, which lends corroboration to his stand.

10. It is well settled that a mere stray or unexplained entry in the revenue record, without any supporting evidence of actual possession or tenancy, cannot be made the sole basis for depriving the true owner of compensation. The Hon'ble Supreme Court in ***Haryana Waqf Board v. State of Haryana (supra)*** has held that apportionment in favour of a person in possession depends upon proof of lawful and settled possession and the nature of rights held by such person.

11. In the present case, respondent No.3 has neither asserted nor proved any such right. He did not seek any independent reference under Section 30 of the Act, nor did he contest the proceedings before the Reference Court or this Court despite service, including by substituted mode.

12. These circumstances clearly indicate that respondent No.3 had no legally enforceable right or interest in the acquired land. The Reference Court, therefore, committed a manifest error in mechanically applying the ratio of ***Mangat Ram (supra)*** without examining whether respondent No.3 had established any subsisting right in the property.

13. Consequently, it is held that the appellant alone is entitled to the entire compensation amount, and the apportionment made by the Reference Court cannot be sustained.

14. It is also pertinent to note that during the pendency of the present appeal, the sole appellant – Vidya Sagar expired and his legal representatives, namely his widow and two sons, have been brought on record. Accordingly, the compensation as determined herein shall be payable to and equally shared amongst the legal representatives of the deceased appellant.

15. In view of the foregoing discussion, the present appeal is allowed. The impugned award is modified to the extent that the market value of the acquired land is enhanced to ₹147/- per square yard along with all statutory benefits, and the entire compensation shall be payable exclusively



to the appellant (through his legal representatives), without any apportionment in favour of respondent No.3.

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

**March 18, 2026**

*Sarita*

**(DEEPAK GUPTA)**

**JUDGE**

Whether speaking/reasoned? : Yes/No  
Whether reportable? : Yes/No

**Uploaded on: March 18, 2026**