

In the High Court of Punjab and Haryana at Chandigarh

**1. Regular First Appeal No. 220 of 2002
Date of Decision: 29.4.2015.**

Gurdeep SinghAppellant

Versus

State of Haryana and othersRespondents

2. Regular First Appeal No. 2472 of 2000

State of Haryana and othersAppellant

Versus

Gurdeep SinghRespondent

3. Regular First Appeal No. 2476 of 2000 (O&M)

Haryana State Minor Irrigation TubewellAppellant
Corporation and another

Versus

Gurdeep Singh and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Bhag Singh, Advocate
for the appellant/ land owner.

Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Ranjit Saini, Advocate
for respondents No. 2 and 3-Corporation.

SABINA, J.

Vide this judgment, above mentioned three appeals

would be disposed of as they have arisen out of the same award dated 20.7.2000 passed by the Reference Court.

Land measuring 6 *kanals* 5 *marlas* belonging to claimant Gurdeep Singh, was sought to be acquired for construction of Haryana State Minor Irrigation and Tubewell Corporation Limited Colony, Shehzadpur. Notification under Section 4 of the Land Acquisition Act, 1894 ('Act' for short), was issued on 22.11.1995. Declaration under Section 6 of the Act was made on 5.11.1996. While passing the award, the Collector concluded that the possession of the land sought to be acquired, had been taken in the year 1969. Earlier notifications were issued for acquisition of the land but they expired due to lapse of time. The Collector awarded compensation at the rate of ₹ 98,634/- per acre along with other statutory benefits vide award dated 30.10.1998.

Claimant Gurdeep Singh, being dissatisfied by the award, sought reference under Section 18 of the Act. The Reference Court vide its award dated 20.7.2000, assessed the compensation at the rate of ₹ 3200/- per *marla* and awarded ₹ 2,50,000/- to the claimant as compensation qua the standing trees on the acquired land along with other statutory benefits. Hence, the present appeals by the claimant, State as well as Haryana State Minor Irrigation and Tubewell Corporation Limited ('Corporation' for short).

Learned counsel for appellant Gurdeep Singh has submitted that the compensation qua the acquired land was liable to be enhanced in view of sale deed Ex. P-11.

Learned State counsel as well as counsel for the Corporation, on the other hand, have submitted that the compensation had been correctly assessed by the Collector. In fact, the claimant was entitled to receive interest as per the old Act

upto 30.4.1982 from 1.4.1969 and as per the new Act with effect from 1.5.1982 to 30.10.1998. The compensation amount was liable to be assessed as per the sale deeds placed on record by the State.

In the present case, the parties had relied upon the following sale deeds for assessment of the market value of the acquired land:-

Name of document	Nature of document	Area sold	Sale consideration (Rs.)	Date of transaction
Ex. P7	Sale deed	1 K 15 M	1,00,000/-	5.8.94
Ex. P10	Sale deed	10 M	30,000/-	10.7.94
Ex. P11	Sale deed	2 M	34,000/-	16.6.89
Ex. P12	Sale deed	10 M	25,000/-	18.8.94
Ex. R1	Sale deed	8 K 0 M	90,000/-	22.5.95
Ex. R2	Sale deed	9 M	23,750/-	20.11.95
Ex. R3	Sale deed	6 M	63,000/-	27.1.95
Ex. R4	Sale deed	3 K 9 M	40,000/-	21.4.95

Admittedly, in the present case, the possession of the land in question was taken in the year 1969. However, the notification under Section 4 of the Act, was issued in the year 1995. Notification issued earlier lapsed due to afflux of time. The market value of the acquired land was liable to be assessed as on the date of the notification under Section 4 of the Act. The Reference Court has assessed the market value of the acquired land basing reliance on sale deed Exhibit. P-7. So far as the other sale deeds placed on record by the claimant are concerned, the same relate to smaller parcels of land. Hence, the sale deeds Exhibit P-10 to Exhibit P-12 were rightly ignored by the Reference Court. So far as the sale deeds Exhibit R-1 to Exhibit R-4 are concerned, the learned Reference Court rightly held that the

respondents had failed to prove on record the location of the sold land *vis-a-vis* the acquired land. The sale deed Exhibit P-7 was proved on record by PW-6 Randeep Singh. The said witness had purchased 1 *kanal* 10 *marlas* of land vide sale deed Exhibit P-7. In the facts and circumstances of the present case, the learned Reference Court had, thus, rightly assessed the market value of the acquired land by basing reliance on sale deed Exhibit P-7.

So far as the compensation qua standing trees on the acquired land is concerned, the Collector had also held that there were trees standing on the acquired land but the same belonged to the Corporation. PW-5 Pawan Kumr, Forest Guard deposed that value of the standing trees on the acquired land was ₹ 2,50,000/- and he proved his report in this regard. The said witness had also deposed that the age of the trees could be 30/35 years. On the other hand, the respondents had failed to establish that the trees in the acquired land had been planted after the possession of the land was taken by the State. In these circumstances, the learned Reference Court had rightly held that the claimant was entitled to receive compensation to the tune of ₹ 2,50,000/- with regard to the standing trees in the acquired land.

There is no force in the argument raised by the learned counsel for the Corporation that the claimant was entitled to receive interest as per the old Act with effect from 1.4.1969 to 30.4.1982 and as per the new Act with effect from 1.5.1982 to 30.10.1998. In the present case, notification under Section 4 of the Act was issued in the year 1995. Therefore, the claimant was entitled to receive interest and other statutory benefits as per the ~~act~~ prevalent at the time of the acquisition irrespective of the date

of taking over the possession of the acquired land by the State. The Reference Court had, thus, rightly assessed the market value of the acquired land and awarded statutory benefits as per the prevalent Act.

No ground for interference by this Court is made out.

Consequently, all the appeals are dismissed.

**(SABINA)
JUDGE**

**April 29, 2015
Gurpreet**