

In the High Court of Punjab and Haryana at Chandigarh

**1. Regular First Appeal No. 2599 of 1991
Date of Decision: 29.7.2015.**

State of Haryana and anotherAppellants

Versus

Chhida Singh and othersRespondents

2. Regular First Appeal No. 683 of 1992

State of Haryana and anotherAppellants

Versus

Dharam Singh (deceased) through LRs.Respondents
and others

3. Regular First Appeal No. 170 of 1992

Chhida Singh and othersAppellants

Versus

State of Haryana and anotherRespondents

4. Regular First Appeal No. 255 of 1992

Dharam Singh and othersAppellants

Versus

State of Haryana and othersRespondents

5. Regular First Appeal No. 256 of 1992

Dhanwanti and others

.....Appellants

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Ms. Gaganpreet Kaur, AAG, Haryana.

Mr. Aseem Aggarwal, Advocate for
Mr. Harsh Aggarwal, Advocate

Mr. Amit Jain, Advocate
for the land owners.

SABINA, J.

Vide this judgment, above mentioned appeals filed by the State as well as land owners would be disposed of as these have arisen out of the same acquisition.

Land situated in village Khandsa was sought to be acquired for construction of Drivers Training School and Central Body Building Workshop. Notification under Section 4 of the Land Acquisition Act, 1894 ('Act' for short) was issued on 18.5.1985. Land Acquisition Collector vide its award dated 17.12.1985, assessed the market value of the land at the rate of ₹ 55,000/- per acre qua chahi land and at the rate of ₹ 30,000/- per acre for *gair mumkin* land.

Being dissatisfied with the amount of compensation awarded by the Land Acquisition Collector, land owners sought references under Section 18 of the Act. The Reference Court vide award dated 16.8.1991 assessed compensation at the rate of

₹ 50/- per square yard. Hence, the present appeals by the State as well as the land owners.

Learned counsel for the land owners have submitted that the market value of the land, assessed by the Reference Court, was on the lower side. The land was situated in district Gurgaon and had great potential value.

Learned State counsel, on the other hand, has submitted that the Reference Court had erred in assessing the market value of the land at the rate of ₹ 50/- per square yard basing reliance on sale deeds which had been executed after the issuance of the notification under Section 4 of the Act.

In the present case, the land was sought to be acquired vide notification dated 18.5.1985 under Section 4 of the Act. In respect of their plea that the market value of the land was liable to be enhanced, the land owners had proved on record sale deeds Exhibit P-1 dated 26.9.1985, Exhibit P-2 dated 17.7.1986 and Exhibit P-3 dated 7.9.1989. The said sale deeds were executed after the date of notification under Section 4 of the Act and relate to small pieces of land. In these circumstances, the sale deeds Exhibit P-1 to Exhibit P-3 could not be taken in consideration while assessing the market value of the land. The market value of the land also could not be assessed on the basis of oral evidence led by the land owners. Thus, there was no concrete material on record before the Reference Court to enhance the market value of the acquired land. The learned Reference Court, thus, fell in error while enhancing the market value of the acquired land.

Accordingly, the appeals filed by the State are allowed and the appeals filed by the land owners are dismissed.

Consequently, the market value of the land as assessed by the

Land Acquisition Collector is upheld and the references sought by the land owners under Section 18 of the Act, are dismissed.

**(SABINA)
JUDGE**

**July 29, 2015
Gurpreet**