IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RFA No. 2430 of 2002 (O&M)

Date of decision : 16.11.2015

Indian Oil Corporation Limited .. Appellant

versus

Sukhdev Singh and another .. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: None for the Corporation.
Mr. Hemant Sarin, Advocate, for the landowners.

<u>Rajesh Bindal, J.</u>

This order will dispose of RFA Nos. 2430 to 2448, 2450 to 2452, 2678 to 2688, 2700, 3054 to 3056, 3400, 3818 of 2002, 2015, 2016 of 2003 and 32 of 2004, as the same arise out of common acquisition.

By filing appeals, the Indian Oil Corporation is seeking reduction in compensation awarded to the landowners for the acquired land, whereas by filing appeals, the landowners are seeking enhancement thereof.

Briefly, the facts are that vide notification dated 18.3.1991, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), the State of Punjab sought to acquire land situated in village Phus Mandi, Tehsil and District Bathinda, for construction of Oil Depot by Indian Oil Corporation Limited. It was followed by notification under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector') vide award dated 16.4.1993 assessed the market value of the acquired land @ ₹ 2,00,000/- per acre. Dissatisfied with the award of the Collector, the landowners filed objections. On reference, the learned court below vide award dated 12.4.2002 determined the market value of the acquired land @ ₹ 2,30,000/- per acre. It is this award which has been impugned in the present set of appeals by both the parties.

Learned counsel for the landowners submitted that the learned court below has not awarded just and fair compensation for the acquired land keeping in view its location. He submitted that the acquired land in the present case is located close to the land already acquired for use by Indian Oil Corporation. It had great future potential. There were lot of commercial establishments near the acquired land, besides the residential colonies. The land is located close to the main Bathinda-Mansa road. It was near the municipal limits of Bathinda City. In support of the plea that the compensation as assessed by the learned Reference Court was not just and fair, learned counsel for the landowners referred to sale-deed, Ex. AW8/A, which was registered on 14.8.1989. Vide this sale-deed, 4 kanals of land was sold for ₹ 1,03,600/-. The aforesaid sale-deed is the best piece of evidence for the reason that it was forming part of the acquired land. The genuineness thereof is not in dispute. The aforesaid sale-deed deserves to be relied upon and after granting increase for the time gap of one year and seven months from the date of registration of sale-deed @ 12% per annum the compensation be assessed. No cut is required to be applied as the sale-deed is for a big chunk of 4 kanals of land.

None had appeared for the Indian Oil Corporation.

As far as the location of the land is concerned, the facts as stated by learned counsel for the landowners are evident from record. It is one part. For the purpose of assessment of compensation, primary reliance is always on the sale-deeds. As per the settled law, sale transaction pertaining to the acquired land, the genuineness of which is not in dispute, is the best examplar. In the case in hand, there is a sale-deed, Ex. AW8/A. As has been referred to by learned counsel for the landowners, the aforesaid sale transaction was registered one year and seven months prior to the issuance of notification under Section 4 of the Act. It was a sale transaction for 4 kanals of land at an average price of ₹ 2,07,200/- per acre.

The learned Reference Court has awarded compensation to the landowners @ ₹ 2,30,000/- per acre, no doubt, by not placing reliance upon the aforesaid sale-deed, but applying guess work. Still even if the aforesaid sale-deed is relied upon as such, in my opinion, the compensation as awarded by the learned Reference Court does not call for any interference as the compensation in the cases of acquisition of land cannot be calculated by mathematical exactitude. Some guess work is always there. There is increase of ₹ 22,800/- per acre in the value as shown in sale-deed for the time gap of 1 year and 7 months, which is sufficient keeping in view the conditions in the State of Punjab at that time, which was going through bad phase of terrorism. No case even for reduction of compensation is made out.

For the reasons mentioned above, I do not find any merit in the present appeals. The same are accordingly dismissed. Consequently, the accompanying applications for leave to file the appeal filed by the Indian Oil Corporation are also dismissed.

16.11.2015 (Rajesh Bindal)
vs Judge