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Punjab & Haryana High Court at Chandigarh

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA No. 2259 of 1996 (O&M)
LAC No. 98/4 of 1994

Date of decision : 3.9.2015

Sunehra alias Tej Ram and others .. Appellants

versus

Haryana State and another .. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Prem Chand Chaudhary, Advocate for the appellants.
Mr. Shivendra Swaroop, Assistant Advocate General, Haryana.

Rajesh Bindal, J.

This order will dispose of RFA Nos. 2259 and 2433 of 1996, as the same arise out of common acquisition.

The landowners are in appeal seeking enhancement of compensation for the acquired land.

Briefly the facts of the case as are available on record are that land measuring 3.16 acres situated within the revenue estate of village Khera, Hadbast No. 23, Tehsil and District Karnal, was sought to be acquired by the State of Haryana vide notification issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') on 4.1.1983 for New Tubewell Feeder Link channel. Notification under Section 6 of the Act was issued on 12.1.1983, which was published on 25.1.1983. The Land Acquisition Collector (for short, 'the Collector') vide award dated 4.11.1985 assessed the market value of the acquired land @ ₹ 30,080/- per acre for chahi and ₹ 18,240/- per acre for gair mumkin pateri land. Dissatisfied with the award of the Collector, the landowners filed objections, which were referred to the learned Court below. On reference, the learned Court below vide award dated 12.2.1996, assessed the market value of the acquired land @ ₹ 35,000/- per acre. It is this award which has been impugned in both the

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appeals.

Learned counsel for the appellants submitted that the learned Court below has not awarded just and fair compensation. The evidence led by the landowners has been ignored. The acquired land is at a distance of one kilometer from Indri Town. Market value of the land in the area was more than ₹ 1 lac per acre. Sale-deeds, Ex. PB, and PW2/A have been totally ignored. Keeping in view small size of land in these transactions, a reasonable cut can be applied for assessment of fair value of the acquired land.

On the other hand, learned counsel for the State submitted that just and fair compensation has been assessed by the learned Court below. The sale-deeds sought to be relied upon by the landowners are of small size and located near the abadi of the village, whereas the acquired land is 3.16 acres and not located near the abadi of the village.

Heard learned counsel for the parties and perused the relevant referred record.

The land in the present case was acquired vide notification under Section 4 of the Act on 4.1.1983.

As far as sale-deed, Ex. PW2/A, is concerned, the same had been registered on 2.7.1981, 1½ years prior to the date of issuance of notification under Section 4 of the Act. Similarly, sale-deed, Ex. PB, is also not relevant for the reason that a small plot dealt with therein is a *bara* of 3 marlas of land, which was sold for ₹ 8,000/-. It must be closed to abadi of the village.

Considering the fact that land pertaining to the sale-deeds sought to be relied upon by the landowners was located close to the abadi area and there is no site plan produced on record showing the acquired land viz-a-viz the land pertaining to the aforesaid sale-deeds, in my opinion, it would not be safe to place reliance thereon as even for application of cut, the sale transaction has to be comparable.

For the reasons mentioned above, I do not find any reason to interfere with the impugned award of the learned Reference Court where by applying thumb rule, the compensation had already been enhanced to ₹

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35,000/- per acre from ₹ 30,080/- per acre as awarded by the Collector.

Accordingly, the appeals are dismissed.

3.9.2015 (Rajesh Bindal)
vs Judge