

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

RFA No. 2338 of 1996 (O&M)

Date of decision : 3.9.2015

Raghubir and others

.. Appellants

versus

State of Haryana

.. Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Rajesh Goyal, Advocate for the appellants.
Mr. Shivendra Swaroop, Assistant Advocate General, Haryana.

Rajesh Bindal, J.

This order will dispose of RFA Nos. 2338 and 2339 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 3.12 acres situated within the revenue estate of village Kamoda, Hadbast No. 26, Tehsil Kaithal, District Kurukshetra, 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') dated 26.5.1980, published on 17.3.1981, for construction of road from Kurushetra- Dhand Road to Village Kamoda. Notification under Section 6 of the Act dated 19.3.1981, was published on 5.5.1981. The Land Acquisition Collector (for short, 'the Collector') vide award dated 20.9.1986 assessed the market value of the acquired land @ ₹ 17,952/- per acre for chahi/ gair mumkin bara and ₹ 2,016/- per acre for gair mumkin johar. An area measuring 0.69 acre was gair mumkin rasta, which was being used as a public path, hence, no amount of compensation was awarded in respect of that area. Dissatisfied with the award of the Collector, the landowners filed objections, which were referred to the learned Court below. On reference, the learned Court upheld the award of the Collector. It is this award which has been impugned in both the appeals.

Learned counsel for the appellants submitted that for the purpose of assessment of compensation, the learned court below had failed to appreciate the evidence produced on record. In the sale-deed, Ex.P1, dated 26.11.1984, 3 bighas of land was sold for a sum of ₹ 70,000/-. Vide sale-deed, Ex. P2, dated 6.2.1981, 2 bighas of land was sold for a sum of ₹ 12,000/-. If the value as shown in the aforesaid sale-deeds is considered, the amount of compensation deserves to be enhanced. He further submitted that nothing has been paid to the appellants for the *Rasta*, which was also acquired. It was out of their own land.

On the other hand, learned counsel for the State submitted that the sale-deed, Ex. P1, dated 26.11.1984 is not relevant as the same was registered more than 4 years after the issuance of notification under Section 4 of the Act dated 26.5.1980. Even sale-deed, Ex. P2, is also post acquisition. Even the location of the land pertaining to these sale-deeds is not shown on the site plan by the landowners. Hence, the same cannot be said to be relevant sale transactions, which could be relied upon for the purpose of assessment of compensation. He further submitted that the appellants cannot be paid compensation for the acquisition of land pertaining to *rasta* as the same was not owned by the appellants. The same was used as *Rasta Shream*.

Heard learned counsel for the parties and perused the paper book.

In my opinion, none of the sale-transactions sought to be relied upon by the landowners is relevant for the purpose of assessment of compensation for the acquired land. Sale-deed, Ex. P1, was registered more than four years after the issuance of notification under Section 4 of the Act. Even sale-deed, Ex. P2, was also registered more than 9 months after the issuance of notification under Section 4 of the Act, hence, not relevant. Even if the same is considered, there is no site plan produced on record by the landowners to show the location of the land pertaining to the aforesaid sale-deed, viz-a-viz the acquired land. Hence, it cannot be said to be a comparable transaction.

Even the contention raised by learned counsel for the landowners regarding payment of compensation for the *rasta* is concerned, nothing could be pointed from the record that land pertaining to the *rasta* was privately owned property of the appellants. Rather the evidence was that it was a *rasta shream*. Hence, the appellants cannot be directed to be paid compensation for the same.

For the reasons mentioned above, I do not find any merit in the present appeals. The same are accordingly dismissed.

3.9.2015
vs

(Rajesh Bindal)
Judge