

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

R.F.A. No. 2362 of 1996 (O&M)

LAC No. 42 of 1995

Date of decision : 16.9.2015

State of Haryana and others

.... Appellants

vs

Zulfi and others

.... Respondents

Coram : Hon'ble Mr. Justice Rajesh Bindal

Present:- Mr. Vishal Garg, Additional Advocate General, Haryana.

Rajesh Bindal, J.

This order will dispose of RFA Nos. 2362 to 2367 and 2379 of 1996, as the same arise out of common acquisition.

The State of Haryana is in appeal seeking reduction of compensation awarded to the landowners for the acquired land.

Briefly, the facts are that land measuring 3.64 acres situated in the revenue estate of village Nanhera, Hadbast No.57, Tehsil and District Panipat (earlier District Karnal) sought to be acquired by the State of Haryana vide notification dated 3.2.1987, published on 7.2.1987 issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') for construction of Nanhera, Almi Road. Notification under Section 6 of the Act was issued on 24.3.1987, published on 31.3.1987. The Land Acquisition Collector (for short, 'the Collector') vide award dated 23.2.1989 determined the market value of the acquired land @ ₹ 25,000/- per acre for chahi, gair mumkin gadha khad, gair mumkin bara and ₹ 15,000/- per acre for gair mumkin dand kind of land. Aggrieved against the award of the Collector, the land owners filed objections, which were referred to the learned court below, who keeping in view the material placed on record by the parties, assessed the market value of the acquired land @ ₹ 36,150/- per

acre. Aggrieved against the award of learned Court below, the State is in appeal before this Court.

Learned counsel for the State submitted that acquired land is 3.64 acres. The learned Court below has totally ignored the sale-deeds produced by the State. If the same are taken into consideration and the average value shown in the sale-deeds produced by the State as well as the landowners is considered, the value of the acquired land will come out much less than what has been awarded by the learned court below.

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

Notification under Section 4 of the Act in the present case was issued on 3.2.1987. The acquired land as stated by learned counsel for the State is merely 3.64 acres. It was acquired for the purpose of construction of road. The Reference Court for the purpose of assessment of compensation relied upon average of the last three years sale-deeds relied upon by the Collector. The contention raised by learned counsel for the State that the sale-deeds, Ex. RA and Ex. RC, produced by the State showing lesser value should be considered is merely to be noticed and rejected as the sale-deed showing maximum value deserves to be considered. This Court in RFA No. 1256 of 1988 Ram Nath and others vs State of Haryana and another decided on 8.12.2004, assessed the market value of the land of village Nanhera, Tehsil and District Karnal, acquired vide notification dated 31.5.1979, for construction of Indri Garhi Birbal Road to Islam Nagar @ ₹ 15,500/- per acre. The acquisition in the present case was carried out vide notification under Section 4 of the Act dated 3.2.1987 i.e. about eight years thereafter. Accordingly, the compensation assessed by the learned Court below @ ₹ 36,150/- per acre cannot be said to be on higher side. In any case the acquired land being small measuring 3.64 acres and the compensation having already been paid to the landowners, I do not find any reason to interfere with the impugned award.

The appeals are accordingly dismissed.

16.9.2015
vs.

(Rajesh Bindal)
Judge