

In the High Court of Punjab and Haryana at Chandigarh

1. Regular First Appeal No. 1947 of 1998
Date of Decision: 29.7.2015.

Chetan DassAppellant

Versus

State of Haryana and othersRespondents

2. Regular First Appeal No. 3105 of 1998

Gulshan Kumar and anotherAppellants

Versus

State of Haryana and anotherRespondents

3. Regular First Appeal No. 704 of 1999

State of Haryana and anotherAppellants

Versus

Gulshan Kumar and anotherRespondents

4. Regular First Appeal No. 1000 of 1999

State of Haryana and anotherAppellants

Versus

Chetan Dass and othersRespondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. C.B.Goel, Advocate
for the land owners.

Ms. Gaganpreet Kaur, AAG, Haryana.

SABINA, J.

Vide this judgment, above mentioned appeals filed by the land owners as well as the State 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 for 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 2.4.1998 assessed compensation at the rate of ₹ 4,18,000/- per acre. Hence, the present appeals by the land owners as well as State.

Learned counsel for the land owners has 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 ₹ 4,18,000/- per acre by basing reliance on acquisition made with regard to notification issued on 16.12.1988 under Section 4 of the Act.

In the present case, the land owners had based reliance on sale deed Exhibit P-1 dated 17.7.1986 and judgment Exhibit P-2.

So far as the sale deed Exhibit P-1 is concerned, the same could not be made basis for determining the market value of the land as it was executed after the date of notification under Section 4 of the Act. So far as judgment Exhibit P-2 is concerned, the same could also not be made basis for assessing the market value of the land as the said judgment was given in acquisition of the land based on notification dated 16.12.1988 under Section 4 of the Act whereas in the present case the notification under Section 4 of the Act was issued much earlier on 18.5.1985. The judgment given by the Reference Court with regard to acquisition of land after the notification under Section 4 of the Act in the present case, could not be made basis for assessing the market value of the land. Thus, the market value of the land could not be assessed on the basis of Exhibit P-1 and Exhibit P-2. Since there was no other concrete material brought on record by the land owners to assess the market value of the land, the Reference Court should have dismissed the references sought by the land owners. Thus, the Reference Court had erred in enhancing the market value of the land vide the impugned award. .

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**