

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

R.F.A. No. 2832 of 1998 (O&M)

LAC No. 156 of 1996

Date of decision : 1.9.2015

State of Haryana and another

.... Appellants

VS

Chandgi and others

.... Respondents

Coram : Hon'ble Mr. Justice Rajesh Bindal

Present:- Mr. Shivendra Swaroop, Assistant Advocate General, Haryana.
Mr. Pankaj Jain, Advocate, for the respondents.

Rajesh Bindal, J.

This order will dispose of RFA Nos. 2832 to 2836 of 1998, 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 2.40 acres situated in the revenue estate of village Parasoli, Hadbast No.138, Tehsil and District Gurgaon was sought to be acquired by the State of Haryana vide notification dated 14.6.1986, published on 15.7.1986 issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') for construction of road from Bhankarka to Parasoli. Notification under Section 6 of the Act was issued on 14.11.1986, published on 2.12.1986. The Land Acquisition Collector (for short, 'the Collector') vide award dated 25.3.1987 determined the market value of the acquired land @ ₹ 35,200/- per acre for chahi and ₹ 18,080/- per acre for gair mumkin kinds 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 @ ₹ 1,00,000/- per acre irrespective of the nature of land. Aggrieved against the award of learned Court below, the State is before this Court.

Learned counsel for the State submitted that acquired land is 2.40 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.

On the other hand, learned counsel for the landowners submitted that the value as assessed by the learned Court below, in fact, requires enhancement. However, the landowners having not filed the appeals, he cannot press for that. In any case, the compensation having been assessed keeping in view the sale-deed produced by the landowners, Ex. P1, vide which 10 kanals 2 marlas of land was sold on 2.12.1985 for a total sale consideration of ₹ 1,25,000/-, at an average price of ₹ 90,909/- per acre and law being settled on the issue that the sale-deed showing maximum value is to be relied upon for the purpose of assessment of compensation, the award passed by the learned Court below does not call for any interference by this Court.

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

Notification under Section 4 of the Act in the present case was issued on 15.7.1986. The acquired land as stated by learned counsel for the State is merely 2.40 acres. It was acquired for the purpose of construction of road. The Reference Court for the purpose of assessment of compensation relied upon sale-deed, Ex. P1, dated 2.12.1985 vide which 10 kanals 2 marlas of land was sold for a total sale consideration of ₹ 1,25,000/-, at an average price of ₹ 90,909/-. The aforesaid sale-deed produced by the landowners pertains to the same revenue estate, the land of which was acquired. The area dealt with therein is not small as it is 10 kanals 2 marlas of land. The contention raised by learned counsel for the State that the sale-deed 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. In any case the acquired land being small

measuring 2.40 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.

1.9.2015
vs.

(Rajesh Bindal)
Judge