

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

**RFA No. 2264 of 1999
Date of Decision: 13.05.2015**

Kehar Singh		
	Vs.	Appellant
State of Haryana		Respondent

2. RFA No. 2265 of 1999

Tara Singh (deceased) through LRs. and others		...Appellants
	vs.	
State of Haryana		Respondent

3. RFA No. 2497 of 2001

State of Haryana		Appellant
	vs.	
Sahib Ram		...Respondent

4. RFA No. 2498 of 2001

State of Haryana		Appellant
	vs.	
Jaswant Singh		Respondent

5. RFA No. 2499 of 2001

State of Haryana

.....Appellant

vs.

Tara Singh (deceased) through LRs. and others

....Respondents

6. RFA No. 2500 of 2001

State of Haryana

-----Appellant

vs.

Kehar Singh

-----Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Jagbir Malik, Advocate,
 for the appellants (in RFA No. 2265 of 1999) and
 for the respondents (in RFA No. 2499 of 2001).

Ms. Gaganpreet Kaur, A.A.G., Haryana.

SABINA, J.

Vide this order above mentioned six appeals filed by land-owners as well as State would be disposed of as they have arisen out of the same award dated 15.12.1998.

Land measuring 2.32 acres situated in Village Islam Nagar was sought to be acquired for construction of link road. Notification under Section 4 of the Land Acquisition Act, 1894 (for short the 'Act') was issued on 04.02.1987. Declaration under Section

6 of the Act was issued on 19.03.1987. The Collector vide award dated 16.12.1987 fixed the marked rate of acquired land @ ₹45,000/- per acre for *Nayai* land, ₹31,500/- per acre for *Banjar* land and ₹7875/-per acre for *Gair Mumkin Sarak and Gair Mumkin Choe, Gair Mumkin* land. The landowners being dissatisfied with the amount of compensation, awarded by the Collector sought references under Section 18 of the Act. The reference Court vide award dated 15.12.1998, enhanced the compensation and awarded ₹1,35,000/- per acre for *Chahi* land and ₹ 94,500/- per acre for *Barani* land and ₹23,625/- per acre for *Gair Mumkin Sarak/Choe*. Hence, the present appeals filed by the State as well as the land-owners.

Learned counsel for the landowners has submitted that as per sale deed dated 22.11.1985 (Exhibit P-1), the land in the nearby locality had been sold @ ₹2,50,000/- per acre whereas as per sale deed dated 25.09.1986 (Exhibit P-2), land in the nearby locality had been sold @ ₹3,00,000/- per acre. The market value of the land was liable to be assessed as per sale deeds Exhibit P-1 and P-2.

Learned State counsel, on the other hand, has submitted that as per sale deed proved on record by the State (Exhibit R-1) the value of the land sold in the nearby locality was ₹27,000/- per acre. Learned State counsel has further submitted that reference Court has already enhanced the amount of compensation.

The sale deed Exhibit R-1 proved on record by the State was liable to be ignored because as per the said sale deed, 3 kanals and 5 marlas land was sold for ₹13,000/-. Thus, the market

value of the land as per said sale deed would come to less than what had been awarded by the Collector.

So far as the sale deeds Exhibits P-1 and P-2 are concerned, the same relate to small portions of land. Vide sale deed Exhibit P-1, 10 *Biswas* of the land had been sold for ₹25,000/- whereas as per sale deed Exhibit P-2, 5 *Biswas* of land, had been sold for ₹15,000/-. In these circumstances, the market value of the acquired land could not be assessed as per the sale deeds Exhibits P-1 and P-2.

Keeping in view the facts and circumstances of the present case, the market value of the acquired land as assessed by the reference Court appears to be just and fair and calls for no interference.

Hence, no ground for interference is made out.

Accordingly, all the appeals stand dismissed.

**(SABINA)
JUDGE**

May 13, 2015
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