IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA No. 5246 of 2001 (O&M)
LAC No. 119/96/95

Date of decision : 30.10.2015

Muni Ram .. Appellant

versus

The State of Haryana and another .. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Alok Jain and Mr. Sushil Jain, Advocates, for the landowners.

Mr. Vishal Garg, Additional Advocate General, Haryana and Mr. Shivendra Swaroop, Assistant Advocate General, Haryana.

Rajesh Bindal, J.

This order will dispose of RFA Nos. 5246 to 5249 of 2001, 69 to 77, 100 to 112, 374, 378, 383, 384, 1494 to 1534, 1742 to 1751, 2970 of 2002, 1918, 1919 of 2004, 1606 of 2012 as the same arise out of common acquisition.

By filing appeals, the landowners are seeking enhancement of compensation for the acquired land, whereas by filing appeals, the State of Haryana is seeking reduction thereof.

Briefly, the facts are that vide notification dated 17.11.1989, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), the State of Haryana sought to acquire 633 kanals of land situated in the revenue estate of Gohana, Hadbast No. 32 and village Gudha, Hadbast No. 33, Tehsil Gohana, District Sonepat, for development and utilisation thereof as residential and commercial area at Gohana. Notification under Section 6 of the Act was issued on 16.10.1990. The Land Acquisition Collector (for short, 'the Collector') vide award no.2 dated 11.11.1992 assessed the market value of the acquired land @ ₹ 1,75,000/- per acre. Dissatisfied with the award of the Collector, the landowners filed objections, which were referred to the learned court. The learned reference court determined the market value of the acquired land @ ₹ 75/- per square yard. Aggrieved against the award of the learned court below, both the parties are in appeal before this Court.

Learned counsel for the landowners submitted that the acquired land in the case in hand is located at the best place in the city of Gohana. It was acquired for development as Sector-7, Gohana, by Haryana Urban Development Authority. The area all around was thickly populated and already urbanized. It was abutting two main roads on two sides i.e. Gohana to Meham and Gohana to Rohtak. It was centre of the city Gohana. The Bus Stand was located opposite to the acquired land. All the basic amenities were available. At the time of acquisition, entire acquired land was within the Municipal Limits of Gohana. Power house was at a distance of five acres from the acquired land. Residential area, grain market, cinema hall and cold storage were also situated near the acquired land. The commercial centres, railway station and other establishments were also situated in the vicinity of the acquired land.

In support of the plea that the value of the land as assessed by the learned court below was not just and fair, learned counsel for the landowners placed reliance upon sale-deeds, Ex. P3 and Ex. P4, which were registered on 29.10.1985 and 1.4.1986, respectively. He further submitted that though the land pertaining thereto is not forming part of the acquired land, but still it was located close by. Sale consideration paid therein clearly established the value of the acquired land in the area. For the sale-deed, Ex.P3, the average sale consideration paid was ₹ 8,34,000/- per acre, whereas for the land pertaining to sale-deed, Ex.P4, the average sale price paid was ₹ 17,08,000/- per acre. The entire land being within the municipal limits of Gohana and there being construction all around, big chunk of land was not available and the same was being sold in the form of small plots. He further submitted that even the sale-deeds produced on record by the landowners as Ex. P2 dated 16.5.1992, Ex.P5 dated 24.8.1993, Ex P7 dated 18.10.1994, and Ex. P17 dated 16.5.1992, which though were registered subsequent to the issuance of notification under Section 4 of the Act dated 17.11.1989, clearly established potentiality of the land as the value thereof increased manifold within a short span. He further submitted that even though those sale-deeds were registered after the issuance of notification under Section 4 of the Act, but these can very well be relied upon for the purpose of assessment of compensation after application of a reasonable cut, as the genuineness thereof is not in dispute. He further submitted that the landowners were not required to lead any evidence in rebuttal in response to the sale-deeds produced by the State as those had been rejected by the Court. It was further submitted that the sale-deeds pertaining to small plots can also be considered for the purpose of assessment of compensation by applying a reasonable cut to the extent of 20% to 25%. He further submitted that even the sale-deeds produced by the State were also pertaining to small plots baring one.

On the other hand, learned counsel for the State submitted that various sale-deeds produced by the State were wrongly rejected by the learned Reference Court on the ground that vendors or vendees had not been produced, which may be in terms of law at that time, however, for the purpose of admissibility thereof, vendors or vendees are not required to be produced in Court as witnesses, as a certified copy thereof is admissible as such. He further submitted that the sale-deeds produced by the landowners were either registered much prior to the date of issuance of notification under Section 4 of the Act or were later in time. Those were liable to be ignored. As against that, the State had produced sale-deeds on record, which were registered close to the date of acquisition. Hence, those deserve to be relied upon.

Heard learned counsel for the parties and the relevant referred record.

The location of the acquired land is evident from the site plan, Ex. P1, produced on record by the landowners. As is evident from the site plan, the acquired land is situated within the municipal limits of Gohana City. The area in the vicinity was already developed. It was sandwitched between two roads i.e. Gohana-Meham and Gohana-Rohtak. The Bus Stand and the Railway Station are located near the acquired land. Power house is at a distance of five acres from the acquired land. Commercial centres, residential area, grain market, cinema hall and cold storage are also situated near the acquired land. It cannot be doubted that considering the location of the land, which was forming part of the municipal limits of Gohana and located in a busy commercial and residential area, it had great potentiality. The learned court below has assessed the compensation by applying a thumb rule while referring to the evidence led by the parties.

There had been subsequent acquisition of land in Gohana, where notification under Section 4 of the Act was issued on 3.11.1995, vide which land of revenue estate of Gohana, Thaska, Gudha and Mahra, was acquired for construction of Sewerage Treatment Plant Gohana. This Court in RFA No. 3614 of 2002 *Narinder Kumar and others vs State of Haryana* decided on 17.1.2011, upheld the award of the learned Reference Court assessing compensation @ ₹ 2,50,000/- per acre for village Gudha. Though part of the land acquired therein was of the same revenue estate, namely, Gudha, however, it has been noticed in the aforesaid judgment that the location thereof was near the railway line, far off from the city and the village abadi. Even for the purpose for which that land was acquired also established this fact. To carry the water to the sewerage treatment plan, the land was also acquired for construction of channel.

The sale-deeds produced on record by the landowners as Ex. P2 dated 16.5.1992, Ex.P5 dated 24.8.1993, Ex P7 dated 18.10.1994, and Ex. P17 dated 16.5.1992, cannot be relied upon for the purpose of assessment of compensation as the same were registered subsequent to the issuance of notification under Section 4 of the Act dated 17.11.1989.

Considering the value of the land assessed in *Narinder Kumar's* case (supra) with reference to its location, which is far inferior as compared to the acquired land, which is located in the heart of the city, and the sale-deeds produced on record by the landowners, in my opinion, no interference is called for in the award of the learned Reference Court assessing the compensation of the acquired land @ ₹ 75/- per square yard i.e. ₹ 3,63,000/- per acre.

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

30.10.2015 (Rajesh Bindal)
vs Judge