

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

**RFA No. 8 of 2005 (O&M)**

Date of decision : 31.8.2015

|                             |        |                |
|-----------------------------|--------|----------------|
| Devinder Singh and others   | versus | .. Appellants  |
| State of Haryana and others |        | .. Respondents |

**Coram: Hon'ble Mr. Justice Rajesh Bindal**

**Present:** Mr. M. L. Sharma and Mr. Vikrant Hooda, Advocates,  
for the landowners.

Mr. Abhinash Jain, Assistant Advocate General, Haryana.

**Rajesh Bindal, J.**

1. This order shall dispose of a bunch of appeals bearing;  
RFA Nos. 8 to 11, 14 to 18, 20 to 24, 26 to 28, 30, 31, 33 to 42,  
44, 46 to 48, 50 to 53, 110, 112 to 117, 120,, 121, 144, 172,  
173, 174, 176 to 180, 182 to 190, 192, 193, 195, 196, 198 to  
216, 219 to 224, 231, 274, 276, 277, 283 to 285, 287, 288, 347,  
349, 393, 395, 401 to 403, 407, 409, 410, 412, 413, 434, 453,  
488 to 494, 508, 552 to 554, 576, 601, 610, 611, 612, 649, 654,  
657, 658, 660 to 664, 666 to 668, 672, 673, 707, 708, 709, 719,  
720, 754, 755, 760, 776, 958, 1117, 1119, 1203, 1206, 1283 to  
1288, 1293 to 1296, 1402, 1436, 1529, 1530, 1531, 1655 to  
1659, 1717, 1745, 1964, 1965, 1966, 1982, 1983, 1985 to  
1989, 1991 to 1993, 1997, 1998, 2010, 2014, 2030, 2033,  
2412, 2413, 2703, 2737, 2738, 3035, 3038, 3196, 4400 of  
2005,  
RFA Nos. 81, 3802, 3935, 4212, 4399 of 2006,  
RFA No. 358 of 2007,  
RFA Nos. 3005, 5320 of 2008, and  
RFA No. 937 of 2010,  
as the same arise out of a common acquisition.

2. By filing the appeals, the landowners are seeking enhancement of compensation for the acquired land.

3. Briefly, the facts of the case are that the State of Haryana vide notification dated 12.5.1995 issued under Section 4 of the Land Acquisition Act, 1894 (for short, "the Act"), sought to acquire the land situated within the revenue estate of Bahadurgarh, Hadbast No. 38, Tehsil Bahadurgarh, District Jhajjar, for development and utilisation thereof as residential and commercial area in Sector-9 and 9-A, Bahadurgarh. Notification under Section 6 of the Act was issued on 10.5.1996. The Land Acquisition Collector vide award dated 24.4.1998 assessed the market value of the acquired land @ ₹ 6 lacs per acre for the land situated on Bahadurgarh-Delhi road upto the depth of 3 acres, ₹ 4 lacs per acre for the land situated on Bahadurgarh-Najafgarh road upto the depth of 3 acres, ₹ 2.50 lacs per acre for nehri and chahi and ₹ 2 lacs per acre for barani and other kinds of land. The landowners/claimants feeling dissatisfied with the amount of compensation awarded by the Collector, filed objections. On reference under Section 18 of the Act, the learned court below determined the market value of the acquired land by granting ₹ 50,000/- per acre increase for each category.

4. The bunch of appeals were earlier decided by this Court earlier vide judgment dated 10.2.2009 passed in RFA No.1 of 2006 State of Haryana and another vs Jagbir Singh and others, assessing compensation for the acquired land located on NH-10 Delhi-Hissar Road upto a depth of three acres from the main road @ ₹ 150/- per square yard, ₹ 100/- per square yard for the land located on Nazafgarh-Bahadurgarh road upto a depth of three acres and for rest of the land @ ₹ 65/- per square yard.

5. Aggrieved against the judgment of this Court, the landowners preferred appeals before Hon'ble the Supreme Court, which were disposed of vide order dated 18.9.2013 passed in Civil Appeal Nos. 6837-6851 of 2009 Roop Chand and another etc. vs State of Haryana and others, remanding the cases back to this Court. It is how the same have been listed again.

6. Learned counsel for the landowners submitted that the compensation earlier assessed by this Court was not as per the value of the

land in the area at the time of acquisition considering its location and potentiality. This fact was even admitted by the State before Hon'ble the Supreme Court and while referring to that, the matters have been remitted back for re-examination. Learned counsel for the landowners while referring to sale-deed, Ex. P-12, registered on 22.4.1993 vide which 8 kanals 7½ marlas of land was sold for a total sale consideration of ₹ 20,26,800/- i.e. ₹ 400/- per square yard, submitted that the aforesaid land is a big chunk and was located just 3½ acres away from the National Highway. It depicted the real value of the land in the area. The same is shown on the site plan, Ex. P7. The acquired land was also surrounded by developed areas as it was close to National Highway No.10. On one side, abadi of Bahadurgarh, and Bahadurgarh-Nazafgarh Road on the other sides. Its potentiality has not been disputed by the State before Hon'ble the Supreme Court. Hence, the compensation deserves to be assessed while placing reliance upon the aforesaid sale transaction. Even if a cut is to be applied, the same could at the most be @ 10%. The categorisation of the land has to be done away with as after acquisition the authorities do not have different valuation of plots on the road or in the back side. Rather some plot holders may not like to choose the location near the Highway because of air and noise pollution. There can be other reasons as well. The entire acquired land was a compact block. He further submitted that it was within the municipal limits of Bahadurgarh. Modern Industrial Estate is also located just across the road. In support of his arguments, reliance was placed upon 1998(2) SCC 385 and Union of India and others vs Mangatu Ram and others (1997) 6 SCC 59. While referring to an order passed by this Court on 6.11.2009, in RFA No. 792 of 1996 Ran Singh and another vs Haryana State and others, it was submitted that for the acquisition of land in Bahadurgarh for construction of road, where notification under Section 4 of the Act was issued on 8.4.1991, this Court had assessed the value of the acquired land @ ₹ 7,43,000/- per acre after applying a cut of 33% on the sale transaction depicting the rate as ₹ 11,15,098/- per acre. In appeal before Hon'ble the Supreme Court in Civil Appeal No. 6958 of 2013 Indraj Singh (dead) through LRs and others vs State of Haryana and another decided on 19.8.2013, the cut was reduced from 33% to 10%.

7. On the other hand, learned counsel for the State submitted that the issues have already been dealt with by this Court while deciding the appeals earlier. All aspects had been considered. The sale-deed, Ex. P-12, is not a comparable sale transaction. It may be bonafide but the location thereof is not comparable with the acquired land. Hence, the same cannot be considered. The State had produced sale-deeds, which were forming part of the revenue estate of the same village of which the land was acquired. The same were showing value quite less than even the award of the Collector. He further submitted that there is no substance in the arguments raised by learned counsel for the landowners that there should not be any belting. The value of the land abutting the National Highway, a State highway and a portion which does not have any excess is always different. The assessment of compensation is on the basis of principle i.e. what a prospective buyer will pay to the seller on the date of issuance of notification under Section 4 of the Act. Regarding application of cut, learned counsel for the State submitted that once the transaction relied upon itself is not comparable, no question of application of cut arises. However, while referring to judgment of Hon'ble the Supreme Court in Major General Kapil Mehra and others vs Union of India and another 2015 (2) SCC 262, he submitted that cut ranges from 20% to 75% depending upon various factors. He further submitted that if the sale-deed produced by the landowners is to be relied upon, let an average of the sale-deeds produced by the landowners and the State be taken and thereafter a cut be applied.

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

9. The principles of law for assessment of compensation for acquisition of land are well-settled and have been reiterated by Hon'ble the Supreme Court in Union of India vs Raj Kumar Baghal Singh (Dead) 2014 (10) SCC 422. Relevant paragraph thereof is extracted below:

“10. It is well settled in determining compensation for the acquired land, price paid in a bona fide transaction of sale by a willing seller to a willing buyer is adopted subject to such transaction being for land adjacent to acquired land, proximate to the date of acquisition and possessing similar advantages.

Of course, there are other well-known methods of valuation like opinion of experts and yield method. In absence of any evidence of a similar transaction, it is permissible to take into account transaction of nearest land around the date of notification under Section 4 of the Act by making a suitable allowance. There can be no fixed criteria as to what would be the suitable addition or subtraction from the value of the relied upon transaction. In *Chimanlal Hargovinddas vs. Land Acquisition Officer, (1988) 3 SCC 751*, this Court summed up the principle as follows:-

“4. The following factors must be etched on the mental screen:

(1) -(4)

(5) The market value of land under acquisition has to be determined as on the crucial date of publication of the notification under Section 4 of the Land Acquisition Act (dates of notifications under Sections 6 and 9 are irrelevant).

(6) The determination has to be made standing on the date line of valuation (date of publication of notification under Section 4) as if the valuer is a hypothetical purchaser willing to purchase land from the open market and is prepared to pay a reasonable price as on that day. It has also to be assumed that the vendor is willing to sell the land at a reasonable price.

(7) In doing so by the instances method, the court has to correlate the market value reflected in the most comparable instance which provides the index of market value.

(8) Only genuine instances have to be taken into account. (Sometimes instances are rigged up in anticipation of acquisition of land.)

(9) Even post-notification instances can be taken into account (1) if they are very proximate, (2) genuine and

(3) the acquisition itself has not motivated the purchaser to pay a higher price on account of the resultant improvement in development prospects.

(10) The most comparable instances out of the genuine instances have to be identified on the following considerations:

(i) proximity from time angle,

(ii) proximity from situation angle.

(11) Having identified the instances which provide the index of market value the price reflected therein may be taken as the norm and the market value of the land under acquisition may be deduced by making suitable adjustments for the plus and minus factors vis-à-vis land under acquisition by placing the two in juxtaposition.

(12) A balance-sheet of plus and minus factors may be drawn for this purpose and the relevant factors may be evaluated in terms of price variation as a prudent purchaser would do.

(13) The market value of the land under acquisition has thereafter to be deduced by loading the price reflected in the instance taken as norm for plus factors and unloading it for minus factors.

(14) The exercise indicated in clauses (11) to (13) has to be undertaken in a common sense manner as a prudent man of the world of business would do. We may illustrate some such illustrative (not exhaustive) factors:

| <i>Plus factors</i>    | <i>Minus factors</i>                                               |
|------------------------|--------------------------------------------------------------------|
| 1. smallness of size   | 1. largeness of area                                               |
| 2. proximity to a road | 2. situation in the interior at a distance from the road           |
| 3. frontage on a road  | 3. narrow strip of land with very small frontage compared to depth |

- |                                                                                                         |                                                                      |
|---------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| 4. nearness to developed area                                                                           | 4. lower level requiring the depressed portion to be filled up       |
| 5. regular shape                                                                                        | 5. remoteness from developed locality                                |
| 6. level vis-a-vis land under acquisition                                                               | 6. some special disadvantageous factor which would deter a purchaser |
| 7. special value for an owner of an adjoining property to whom it may have some very special advantage. |                                                                      |

(15) The evaluation of these factors of course depends on the facts of each case. There cannot be any hard-and-fast or rigid rule. Common sense is the best and most reliable guide. For instance, take the factor regarding the size. A building plot of land say 500 to 1000 sq. yds. cannot be compared with a large tract or block of land of say 10,000 sq. yds. or more. Firstly while a smaller plot is within the reach of many, a large block of land will have to be developed by preparing a layout, carving out roads, leaving open space, plotting out smaller plots, waiting for purchasers (meanwhile the invested money will be blocked up) and the hazards of an entrepreneur. The factor can be discounted by making a deduction by way of an allowance at an appropriate rate ranging approximately between 20 per cent to 50 per cent to account for land required to be set apart for carving out lands and plotting out small plots. The discounting will to some extent also depend on whether it is a rural area or urban area, whether building activity is picking up, and whether waiting period during which the capital of the entrepreneur would be locked up, will be longer or shorter and the attendant hazards.

(16) Every case must be dealt with on its own fact pattern bearing in mind all these factors as a prudent purchaser

of land in which position the judge must place himself.

(17) These are general guidelines to be applied with understanding informed with common sense.”

Again in Viluben Jhalejar Contractor vs. State of Gujarat, (2005) 4 SCC 789, it was observed:-

“24. The purpose for which acquisition is made is also a relevant factor for determining the market value. In Basavva v. Land Acquisition Officer, (1996) 9 SCC 640, deduction to the extent of 65% was made towards development charges.

25. In Bhagwathula Samanna v. Tahsildar & Land Acquisition Officer, (1991) 4 SCC 506, it has been held: (SCC pp. 510-11, para 11)

“11. The principle of deduction in the land value covered by the comparable sale is thus adopted in order to arrive at the market value of the acquired land. In applying the principle it is necessary to consider all relevant facts. It is not the extent of the area covered under the acquisition which is the only relevant factor. Even in the vast area there may be land which is fully developed having all amenities and situated in an advantageous position. If smaller area within the large tract is already developed and suitable for building purposes and have in its vicinity roads, drainage, electricity, communications, etc. then the principle of deduction simply for the reason that it is part of the large tract acquired, may not be justified.”

26. In Land Acquisition Officer v. L. Kamamma, (1998) 2 SCC 385, this Court held: (SCC p. 387, para 6)

“6.....Ext. B-30 is a sale deed dated 9-8-1976, the transaction having taken place prior to eight months from the issue of the preliminary notification for acquisition of land in the present case. Having found that the piece of land referred in Ext. B-30 is situated very close to the lands that are acquired under the notification in question

the Reference Court and the High Court relied upon the said document and, in our view, rightly. Further when no sales of comparable land were available where large chunks of land had been sold, even land transactions in respect of smaller extent of land could be taken note of as indicating the price that it may fetch in respect of large tracts of land by making appropriate deductions such as for development of the land by providing enough space for roads, sewers, drains, expenses involved in formation of a layout, lump sum payment as also the waiting period required for selling the sites that would be formed.”

27. In Administrator General of W.B. v. Collector, (1988) 2

SCC 150, deduction to the extent of 53% was allowed.

28. In K.S. Shivadevamma v. Commr. and Land Acquisition Officer, (1996) 2 SCC 62, it was held: (SCC p. 65, para 10)

“10. It is then contended that 53% is not automatic but depends upon the nature of the development and the stage of development. We are inclined to agree with the learned counsel that the extent of deduction depends upon development need in each case. Under the Building Rules 53% of land is required to be left out. This Court has laid as a general rule that for laying the roads and other amenities 33-1/3% is required to be deducted. Where the development has already taken place, appropriate deduction needs to be made. In this case, we do not find any development had taken place as on that date. When we are determining compensation under Section 23(1), as on the date of notification under Section 4(1), we have to consider the situation of the land development, if already made, and other relevant facts as on that date. No doubt, the land possessed potential value, but no development had taken place as on the date. In view of the obligation on the part of the owner to hand over the land to the City Improvement Trust for roads and

for other amenities and his requirement to expend money for laying the roads, water supply mains, electricity etc., the deduction of 53% and further deduction towards development charges @ 33-1/3%, as ordered by the High Court, was not illegal.”

**29.** In *Hasanali Khanbhai & Sons v. State of Gujarat* (1995) 5 SCC 422 and *Land Acquisition Officer v. Nookala Rajamallu*, (2003) 12 SCC 334 : it has been noticed that where lands are acquired for specific purposes deduction by way of development charges is permissible.

**30.** We are not, however, oblivious of the fact that normally one-third deduction of further amount of compensation has been directed in some cases. (See *Kasturi v. State of Haryana*, (2003) 1 SCC 354, *Tejumaal Bhojwani v. State of U.P.*, (2003) 10 SCC 525, *V. Hanumantha Reddy v. Land Acquisition Officer* (2003) 12 SCC 642, *H.P. Housing Board v. Bharat S. Negi*, (2004) 2 SCC 184 and *Kiran Tandon v. Allahabad Development Authority*, (2004) 10 SCC 745.)

**31.** In *University of Agricultural Sciences vs Balanagouda*, Civil Appeals Nos. 62-65 of 2000, decided on 10.12.2003 (SC) whereupon Mr Ranjit Kumar placed strong reliance, the Court noticed that if the acquisition is made for agricultural purpose, question of development thereof would not arise; but if the sale instance was in respect of a small piece of land whereas the acquisition is for a large piece of land, although development cost may not be deducted, there has to be deduction for largeness of the land and also for the fact that these are agricultural lands. In that view of the matter, deduction at the rate of 33% made by the High Court was upheld. It may not, therefore, be correct to contend, as has been submitted by Mr. Ranjit Kumar, that there cannot be different deductions, one for the largeness of the land and another for development costs.”

10. The principles regarding determination of market value of the acquired land were gone into by Hon'ble the Supreme Court earlier in Himmat Singh and others vs State of Madhya Pradesh and another (2013) 16 SCC 392. Relevant paras thereof are extracted below:

“21. Before considering the respective arguments, we may notice the principles laid down by this Court for determination of market value of the acquired land. In *Shaji Kuriakose v. Indian Oil Corpn. Ltd.* (2001) 7 SCC 650, this Court held:

“It is no doubt true that courts adopt comparable sales method of valuation of land while fixing the market value of the acquired land. While fixing the market value of the acquired land, comparable sales method of valuation is preferred than other methods of valuation of land such as capitalisation of net income method or expert opinion method. Comparable sales method of valuation is preferred because it furnishes the evidence for determination of the market value of the acquired land at which a willing purchaser would pay for the acquired land if it had been sold in the open market at the time of issue of notification under Section 4 of the Act. However, comparable sales method of valuation of land for fixing the market value of the acquired land is not always conclusive. There are certain factors which are required to be fulfilled and on fulfilment of those factors the compensation can be awarded, according to the value of the land reflected in the sales. The factors laid down inter alia are: (1) the sale must be a genuine transaction, (2) that the sale deed must have been executed at the time proximate to the date of issue of notification under Section 4 of the Act, (3) that the land covered by the sale must be in the vicinity of the acquired land, (4) that the land covered by the sales must be similar to the acquired land, and (5) that the size of plot of the land covered by

the sales be comparable to the land acquired. If all these factors are satisfied, then there is no reason why the sale value of the land covered by the sales be not given for the acquired land. However, if there is a dissimilarity in regard to locality, shape, site or nature of land between land covered by sales and land acquired, it is open to the court to proportionately reduce the compensation for acquired land than what is reflected in the sales depending upon the disadvantages attached with the acquired land.”

22.     xxx                        xx                        xx

23. In *Atma Singh v. State of Haryana* (2008) 2 SCC 568, the Court held:

“4. In order to determine the compensation which the tenure-holders are entitled to get for their land which has been acquired, the main question to be considered is what is the market value of the land. Section 23(1) of the Act lays down what the court has to take into consideration while Section 24 lays down what the court shall not take into consideration and have to be neglected. The main object of the enquiry before the court is to determine the market value of the land acquired. The expression ‘market value’ has been the subject-matter of consideration by this Court in several cases. The market value is the price that a willing purchaser would pay to a willing seller for the property having due regard to its existing condition with all its existing advantages and its potential possibilities when led out in most advantageous manner excluding any advantage due to carrying out of the scheme for which the property is compulsorily acquired. In considering market value disinclination of the vendor to part with his land and the urgent necessity of the purchaser to buy should be disregarded. The

guiding star would be the conduct of hypothetical willing vendor who would offer the land and a purchaser in normal human conduct would be willing to buy as a prudent man in normal market conditions but not an anxious dealing at arm's length nor facade of sale nor fictitious sale brought about in quick succession or otherwise to inflate the market value. The determination of market value is the prediction of an economic event viz. a price outcome of hypothetical sale expressed in terms of probabilities. See *Kamta Prasad Singh v. State of Bihar* (1976) 3 SCC 772, *Prithvi Raj Taneja v. State of M.P.* (1977) 1 SCC 684, *Administrator General of W.B. v. Collector* (1988) 2 SCC 150 and *Periyar Pareekanni Rubbers Ltd. v. State of Kerala* (1991) 4 SCC 195.

5. For ascertaining the market value of the land, the potentiality of the acquired land should also be taken into consideration. Potentiality means capacity or possibility for changing or developing into state of actuality. It is well settled that market value of a property has to be determined having due regard to its existing condition with all its existing advantages and its potential possibility when led out in its most advantageous manner. The question whether a land has potential value or not, is primarily one of fact depending upon its condition, situation, user to which it is put or is reasonably capable of being put and proximity to residential, commercial or industrial areas or institutions. The existing amenities like water, electricity, possibility of their further extension, whether near about a town is developing or has prospect of development have to be taken into consideration. See *Collector v. Dr. Harisingh Thakur* (1979) 1 SCC 236, *Raghubans Narain Singh v. State of U.P.* AIR 1967 SC 465 and *Administrator General of W.B. v. Collector*

(1988) 2 SCC 150. It has been held in *Kausalya Devi Bogra v. Land Acquisition Officer* (1984) 2 SCC 324 and *Suresh Kumar v. Town Improvement Trust* (1989) 2 SCC 329 that failing to consider potential value of the acquired land is an error of principle.”

11. While reiterating the law, referred to above, Hon'ble the Supreme Court in *Trishala Jain and another v. State of Uttaranchal and another*, (2011) 6 SCC 47, laid down certain principles for controlling the application of guesstimate. Relevant paras thereof are extracted below:

“56. More often than not, it is not possible to fix the compensation with exactitude or arithmetic accuracy. Depending on the facts and circumstances of the case, the Court may have to take recourse to some guesswork while determining the fair market value of the land and the consequential amount of compensation that is required to be paid to the persons interested in the acquired land.

57. ‘Guess’ as understood in its common parlance is an estimate without any specific information while ‘calculations’ are always made with reference to specific data. ‘Guesstimate’ is an estimate based on a mixture of guesswork and calculations and it is a process in itself. At the same time ‘guess’ cannot be treated synonymous to ‘conjecture’. ‘Guess’ by itself may be a statement or result based on unknown factors while ‘conjecture’ is made with a very slight amount of knowledge, which is just sufficient to incline the scale of probability. ‘Guesstimate’ is with higher certainty than mere ‘guess’ or a ‘conjecture’ per se.

58. The concept of ‘guesswork’ is not unknown to various fields of law. It has been applied in cases relating to insurance, taxation, compensation under the Motor Vehicles Act as well as under the Labour Laws. All that is required from a Court is that such guesswork has to be used with greater element of caution and within the determinants of law declared by the Legislature or by the Courts from time to time.

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64. These precedents clearly demonstrate that the Court may apply some guesswork before it could arrive at a final determination, which is in consonance with the statutory law as well as the principles stated in the judicial pronouncements. As already noticed, the guesswork has to be used for determination of compensation with greater element of caution and the principle of guesstimation will have no application to the case of 'no evidence'. This principle is only intended to bridge the gap between the calculated compensation and the actual compensation that the claimants may be entitled to receive as per the facts of a given case to meet the ends of justice.

65. It will be appropriate for us to state certain principles controlling the application of 'guesstimate':

(a) Wherever the evidence produced by the parties is not sufficient to determine the compensation with exactitude, this principle can be resorted to.

(b) Discretion of the court in applying guesswork to the facts of a given case is not unfettered but has to be reasonable and should have a connection to the data on record produced by the parties by way of evidence. Further, this entire exercise has to be within the limitations specified under Sections 23 and 24 of the Act and cannot be made in detriment thereto."

12. As has already been noticed in the earlier judgment, the land is located at Bahadurgarh towards Delhi. A small portion thereof is located on Delhi-Hissar Road, close to city of Bahadurgarh towards Delhi, whereas rest of the land is behind that. It does not touch Delhi boundary. As far as sale-deed, Ex. P12, is concerned, the same pertains to revenue estate of village Hasanpur, whereas the acquired land pertains to revenue estate of Bahadurgarh. As is evident from the site plan, Ex. P7, the same is located in a developed area in a residential colony and situated towards Delhi side from the acquired land. It cannot be said to be a comparable transaction, if considered in the light of the fact that the acquired land at the time of

acquisition was being used for agricultural purposes and was a big chunk of land measuring 445.62 acres. Application of cut in the range of 20% to 75%, for assessment of fair value of the acquired land has also to be applied on a comparable sale transaction, which is in close proximity to the acquired land. Even otherwise, the buyer in the aforesaid sale-deed is Radha Swami Satsang Beas, which may have specific requirement regarding location. Though Modern Industrial Estate has been referred to in close proximity, but the development year thereof and the prices of plots there was not pointed out. Apparently the landowners as well as the State have tried to conceal more than to reveal. Still this Court is to assess compensation on the basis of the evidence, which has come on record and is worth reliable.

13. As far as sale-deed, Ex. R-64, produced by the State on record is concerned, the same was registered on 18.4.1994 for a total sale consideration of ₹ 2,10,000/- for land measuring 7 kanals 6 marlas, at an average price of ₹ 2,30,136/- per acre. The aforesaid land forms part of revenue estate of village Parnala. Though the same is located about three acres from National Highway, but quite close to the acquired land. The difference in value of land in the aforesaid two sale-deeds itself shows that there were certain special advantages attached with the land sold vide sale-deed, Ex. P12, which was sold @ ₹ 400/- per square yard.

14. In the case in hand, even the Reference Court had assessed the compensation while applying thumb rule finding none of the sale-deeds relevant which could be relied upon for the purpose of assessment of compensation.

15. The compensation already assessed in the case in hand is ₹ 150/- per square yard for the small portion of land located on National Highway No.10 upto a depth of three acres, for the land located on Nazafgarh-Bahadurgarh road upto a depth of three acres @ ₹ 100/- per square yard and for rest of the land @ ₹ 65/- per square yard. It was enhanced from ₹ 6.50 lacs per acre for the land situated on Bahadurgarh-Delhi road upto the depth of 3 acres, ₹ 4.50 lacs per acre for the land situated on Bahadurgarh-Najafgarh road upto the depth of 3 acres, ₹ 3.00 lacs per acre for nehri and chahi and ₹ 2.50 lacs per acre for barani and

other kinds of land, as awarded by the Reference Court only considering future potential of the land as otherwise the evidence sought to be relied upon was not found to be worth reliance.

16. In view of my aforesaid discussion, as despite assessment of compensation by this Court considering the potentiality of the land, the State filed affidavit before Hon'ble the Supreme Court that the land had great future potentiality, in my opinion, further marginal increase can be granted to the landowners by applying a thumb rule. The compensation for the acquired land is accordingly determined @ ₹ 8,00,000/- per acre for the acquired land located on NH-10 Delhi-Hissar Road upto a depth of three acres, ₹ 5,50,000/- per acre for the land located on Nazafgarh-Bahadurgarh road upto a depth of three acres and for rest of the land @ ₹ 4,00,000/- per acre. The landowners shall also be entitled to the statutory benefits available under the Act.

17. The appeals are disposed of accordingly.

31.8.2015  
vs

(Rajesh Bindal)  
Judge

(Refer to Reporter)