

In the High Court of Punjab and Haryana at Chandigarh

**Regular First Appeal No. 1283 of 2006 (O&M)
Date of Decision: 15.7.2015.**

Siel Industrial Estate Limited

.....Appellant

Versus

Darshan Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. S.D.Sharma, Senior Advocate with
Mr. Deepak Jain, Advocate,
Mr. Anupam Sharma, Advocate and
Ms. Bindu Goel, Advocate for
the appellant-Industry

Mr. P.C.Dhiman, Advocate,

Mr. M.L.Sharma, Advocate,

Mr. Lalit Garg, Advocate,

Mr. Arun Bansal, Advocate and

Ms. Monika Jalota, Advocate
for the land owners.

Mr. P.S.Mattewal, Addl. A.G., Punjab.

SABINA, J.

Vide this judgment, above mentioned appeal as well as following appeals filed by the Seil Industrial Estate Limited as well as land owners would be disposed of as these have arisen out of the same award/acquisition.

Appeals filed by the Industry

1. RFA No. 1284 of 2006

2. RFA No. 1285 of 2006
3. RFA No. 1286 of 2006
4. RFA No. 1287 of 2006
5. RFA No. 1288 of 2006
6. RFA No. 1289 of 2006
7. RFA No. 1290 of 2006
8. RFA No. 1291 of 2006
9. RFA No. 1292 of 2006
10. RFA No. 1293 of 2006
11. RFA No. 1294 of 2006
12. RFA No. 1295 of 2006
13. RFA No. 1296 of 2006
14. RFA No. 1297 of 2006
15. RFA No. 1298 of 2006
16. RFA No. 1299 of 2006
17. RFA No. 1300 of 2006
18. RFA No. 1301 of 2006
19. RFA No. 1302 of 2006
20. RFA No. 1303 of 2006
21. RFA No. 1304 of 2006
22. RFA No. 1305 of 2006
23. RFA No. 1306 of 2006
24. RFA No. 1307 of 2006
25. RFA No. 1308 of 2006
26. RFA No. 1309 of 2006
27. RFA No. 1310 of 2006
28. RFA No. 1311 of 2006
29. RFA No. 1312 of 2006
30. RFA No. 1313 of 2006

- 31.RFA No. 1314 of 2006
- 32.RFA No. 1315 of 2006
- 33.RFA No. 1316 of 2006
- 34.RFA No. 1317 of 2006
- 35.RFA No. 1318 of 2006
- 36.RFA No. 1319 of 2006
- 37.RFA No. 1320 of 2006
- 38.RFA No. 1321 of 2006
- 39.RFA No. 1322 of 2006
- 40.RFA No. 1323 of 2006
- 41.RFA No. 1324 of 2006
- 42.RFA No. 1325 of 2006
- 43.RFA No. 1326 of 2006
- 44.RFA No. 1327 of 2006
- 45.RFA No. 1328 of 2006
- 46.RFA No. 1329 of 2006
- 47.RFA No. 1330 of 2006
- 48.RFA No. 2347 of 2006
- 49.RFA No. 2348 of 2006
- 50.RFA No. 2349 of 2006
- 51.RFA No. 2350 of 2006
- 52.RFA No. 2351 of 2006
- 53.RFA No. 2352 of 2006
- 54.RFA No. 2353 of 2006
- 55.RFA No. 2354 of 2006
- 56.RFA No. 2355 of 2006
- 57.RFA No. 2356 of 2006
- 58.RFA No. 2357 of 2006
- 59.RFA No. 2358 of 2006

60.RFA No. 2359 of 2006

61.RFA No. 2360 of 2006

62.RFA No. 2361 of 2006

63.RFA No. 2362 of 2006

64.RFA No. 2363 of 2006

65.RFA No. 2364 of 2006

66.RFA No. 2365 of 2006

67.RFA No. 2366 of 2006

68.RFA No. 2367 of 2006

69.RFA No. 2368 of 2006

70.RFA No. 2369 of 2006

71.RFA No. 2370 of 2006

72.RFA No. 2371 of 2006

73.RFA No. 2372 of 2006

74.RFA No. 2373 of 2006

75.RFA No. 2374 of 2006

76.RFA No. 2375 of 2006

77.RFA No. 2376 of 2006

78.RFA No. 2377 of 2006

79.RFA No. 2378 of 2006

80.RFA No. 2379 of 2006

81.RFA No. 2380 of 2006

82.RFA No. 2381 of 2006

83.RFA No. 2382 of 2006

84.RFA No. 2383 of 2006

85.RFA No. 2384 of 2006

86.RFA No. 2385 of 2006

87.RFA No. 2386 of 2006

88.RFA No. 2387 of 2006

89.RFA No. 2397 of 2006

90.RFA No. 2630 of 2006

91.RFA No. 2699 of 2006

92.RFA No. 2700 of 2006

93.RFA No. 2701 of 2006

94.RFA No. 2702 of 2006

95.RFA No. 2714 of 2006

96.RFA No. 2715 of 2006

97.RFA No. 2716 of 2006

98.RFA No. 2717 of 2006

99.RFA No. 4352 of 2006

Appeals filed by the land owners

1. RFA No. 1578 of 2006

2. RFA No. 1579 of 2006

3. RFA No. 1580 of 2006

4. RFA No. 1581 of 2006

5. RFA No. 1739 of 2006

6. RFA No. 1740 of 2006

7. RFA No. 1741 of 2006

8. RFA No. 1742 of 2006

9. RFA No. 1743 of 2006

10.RFA No. 1744 of 2006

11.RFA No. 1745 of 2006

12.RFA No. 1746 of 2006

13.RFA No. 1792 of 2006

14.RFA No. 1793 of 2006

15.RFA No. 1794 of 2006

16.RFA No. 1795 of 2006

17.RFA No. 1796 of 2006

- 18.RFA No. 1797 of 2006
- 19.RFA No. 1820 of 2006
- 20.RFA No. 1821 of 2006
- 21.RFA No. 1822 of 2006
- 22.RFA No. 1826 of 2006
- 23.RFA No. 1924 of 2006
- 24.RFA No. 1953 of 2006
- 25.RFA No. 1954 of 2006
- 26.RFA No. 1955 of 2006
- 27.RFA No. 1957 of 2006
- 28.RFA No. 1958 of 2006
- 29.RFA No. 1959 of 2006
- 30.RFA No. 1960 of 2006
- 31.RFA No. 1961 of 2006
- 32.RFA No. 2001 of 2006
- 33.RFA No. 2002 of 2006
- 34.RFA No. 2003 of 2006
- 35.RFA No. 2004 of 2006
- 36.RFA No. 2005 of 2006
- 37.RFA No. 2006 of 2006
- 38.RFA No. 2007 of 2006
- 39.RFA No. 2008 of 2006
- 40.RFA No. 2009 of 2006
- 41.RFA No. 2010 of 2006
- 42.RFA No. 2011 of 2006
- 43.RFA No. 2012 of 2006
- 44.RFA No. 2013 of 2006
- 45.RFA No. 2014 of 2006
- 46.RFA No. 2015 of 2006

- 47.RFA No. 2016 of 2006
- 48.RFA No. 2017 of 2006
- 49.RFA No. 2018 of 2006
- 50.RFA No. 2019 of 2006
- 51.RFA No. 2020 of 2006
- 52.RFA No. 2021 of 2006
- 53.RFA No. 2022 of 2006
- 54.RFA No. 2023 of 2006
- 55.RFA No. 2024 of 2006
- 56.RFA No. 2025 of 2006
- 57.RFA No. 2026 of 2006
- 58.RFA No. 2027 of 2006
- 59.RFA No. 2028 of 2006
- 60.RFA No. 2029 of 2006
- 61.RFA No. 2050 of 2006
- 62.RFA No. 2403 of 2006
- 63.RFA No. 2404 of 2006
- 64.RFA No. 2551 of 2006
- 65.RFA No. 2552 of 2006
- 66.RFA No. 2553 of 2006
- 67.RFA No. 2588 of 2006
- 68.RFA No. 2589 of 2006
- 69.RFA No. 2635 of 2006
- 70.RFA No. 2718 of 2006
- 71.RFA No. 2719 of 2006
- 72.RFA No. 2720 of 2006
- 73.RFA No. 2721 of 2006
- 74.RFA No. 2722 of 2006
- 75.RFA No. 2723 of 2006

76.RFA No. 2724 of 2006

77.RFA No. 2725 of 2006

78.RFA No. 2726 of 2006

79.RFA No. 2727 of 2006

80.RFA No. 2773 of 2006

81.RFA No. 2774 of 2006

82.RFA No. 2775 of 2006

83.RFA No. 2776 of 2006

84.RFA No. 2777 of 2006

85.RFA No. 2778 of 2006

86.RFA No. 2779 of 2006

87.RFA No. 2863 of 2006

88.RFA No. 2951 of 2006

89.RFA No. 3024 of 2006

90.RFA No. 3065 of 2006

91.RFA No. 3066 of 2006

92.RFA No. 3067 of 2006

93.RFA No. 3068 of 2006

94.RFA No. 3069 of 2006

95.RFA No. 3070 of 2006

96.RFA No. 3406 of 2006

97.RFA No. 3579 of 2006

98.RFA No. 3968 of 2006

Land situated in villages Badoli, Gujran, Bhadak, Jakhran, Khadauli, Sardargarh, Damanheri, Pabri and Kheri Ganda was sought to be acquired for setting up industrial estate of M/s Siri Ram Industries Enterprises Limited (*'Industry'* for short). Notification under Section 4 of the Land Acquisition Act, 1894 (*'Act'* for short) was issued on 5.4.1994. Declaration under Section 6 of

the Act was issued on 15.6.1994. Land Acquisition Collector vide its award dated 3.4.1995, assessed the market value of the land at the rate of ₹ 1,45,000/- per acre. Land owners were further held entitled to receive the statutory benefits as admissible under the Act. They were further awarded compensation towards shifting charges.

Being dissatisfied with the award passed by the Land Acquisition Collector, 105 references made by the land owners were referred to the Reference Court. The said references were consolidated.

On the pleadings of the parties, following issues were framed by the Reference Court:-

1. *What was the market value of the acquired land at the time of acquisition and whether the petitioners are entitled to enhancement of the compensation with regard to market value of the acquired land, if so, to what effect ? OPA*
2. *Whether the petitioners are entitled to enhancement of compensation of their structures, for uprootment, loss of business, of share of shamlat land, for trees, severance of land etc. over and above the amount allowed/declined by the Collector ? OPD*
3. *Whether the references have been made within the period of limitation ? OPR*
4. *Whether the claim petitions are false and frivolous ? OPR*
5. *Whether the claim petitions are not maintainable ? OPR*

6. Relief.

Both the sides led their oral as well as documentary evidence in support of their case.

The Reference Court assessed the market value of the agricultural land at the rate of ₹ 1,75,000/- per acre. The market value of the abadi area of village Sardargarh was fixed 50% over and above ₹ 1,75,000/- per acre. The compensation qua superstructure and fruit bearing trees was also enhanced by the Reference Court. The Reference Court while disposing of the References, has held as under:-

“Relief

183. In view of my above findings on the issues, the land references mentioned in the head note of this award are answered as follows:-

- (i) The market value of the acquired agricultural land is assessed as Rs. 175000/- per acre for the entire block of the acquired land. The market value of the abadi area of village Sardargarh is fixed 50% over and above Rs. 175000/- per acre. This compensation shall be allowed as per the area of the houses acquired in village Sardargarh, except for those houses, which have been constructed in the fields away from the village abadi. Those houses which are within the village phirni and immediately adjoining the outer skirts of phirni shall be considered as village abadi. The claimants shall be entitled to difference of the market value allowed by the Collector and as assessed by this Court,*

from the respondents.

(ii) The compensation of the super structure of the claimants is enhanced to the extent mentioned below:-

Sr. No.	L.R. No.	Parties Name	Amount enhanced
1.	7T	Darshan Singh	Rs. 20800/-
2.	8T	Santokh Singh	Rs. 35915/-
3.	12T	Iqbal Singh	Rs. 35060/-
4.	25T	Gurdev Singh	Rs. 19990/-
		Lashkar Singh	Rs. 18500/-
		Gulchaman Singh	Rs. 55725/-
5.	29T	Amar Singh	Rs. 64496/-
6.	30T	Daulat Ram	Rs. 36917.50
7.	31T	Atma Ram	Rs. 41400/-
8.	32T	1. Chhajju Ram	Rs. 94318.50
		2. Jeet Ram	Rs. 40917.50
		3. Phaggu Ram	Rs. 7132.50
		4. Babu Ram	Rs. 19860/-
		5. Prabh Dayal	Rs. 55000/-
9.	35T	1. Ram Lal	Rs. 26100/-
10.	37T	Charanjit Singh	Rs. 24350/-
11.	38T	Ram Sarup	Rs. 13900/-
12.	39T	Ajit Singh	Rs. 38825/-
13.	42T	Lajja Ram	Rs. 14300/-
14.	48T	Dayal Singh	Rs. 74500/-
15.	52T	Dogar Singh	Rs. 47000/-
16.	61T	Manjit Kaur	Rs. 56925/-
	62T	Nihal Singh	Rs. 34975/-
17.		Niranjan Singh	Rs. 50250/-
18.	68T	Avtar Singh	Rs. 263265/-
19	70T	Tara Chand	Rs. 44415/-
	73T	Kulbir Singh	Rs. 20865/-
20.		Sohan Singh	Rs. 13282/-
21.	75T	Nishan Singh	Rs. 21815/-
22.	97T	Surjit Singh	Rs. 6380/-

23.	99T	Parduman Singh	Rs. 14680/-
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(iii) The market value of the fruit bearing trees of Gurdev Singh and others is enhanced to Rs. 79000/- and of eucalyptus trees to Rs. 68480/-. They will be entitled to claim difference of the amount awarded by the Collector and by this Court. The compensation awarded to Gurdev Singh and other shall cover their three land references i.e. L.R. No. 25T, 27T and 47T but shall be payable only in LR No. 27T of 2003. They shall not claim any compensation with regard to the trees on their land (fruit as well as non-fruit bearing trees) in other references.

(iv) The other land owners on whose land eucalyptus trees existed and have been acquired, shall also be paid double the compensation awarded to them by the Collector for their eucalyptus trees. However, the compensation for all other kind of trees, shall remain the same, which has already been allowed by the Collector.

(v) The compensation of the orchard of Charanjit Singh (L.R. No. 37-T) is fixed as follows:-

Value of the fruit bearing trees as assessed in report Ex. R.25	Appreciation @ 110% due to increase in price index from 127.2 in 1985 to 267.4 in 1994	10% towards price of Fuel wood	Total
Rs. 7306/-	Rs. 8336/-	Rs. 1564/-	Rs. 17206/-

(vii) Market value of the fruit trees of Manjit Kaur in

L.R. No. 37T is as follows:-

Value of the fruit bearing trees as assessed in report Ex. R.25	Appreciation @ 110% due to increase in price index from 127.2 in 1985 to 267.4 in 1994	10% towards price of Fuel wood	Total
Rs. 23426/-	Rs. 25768/-	Rs. 4919/-	Rs. 54113/-

(viii) LR No. 18T and 22T titled Mohanjit Singh State and 17T and 23T titled Inder Singh vs. State are duplicate, as such claimants in these references shall be entitled to claim the enhanced amount of compensation only in LR No. 17T Inder Singh vs. State of Punjab and 18T of Mohanjit Singh vs. State of Punjab while LRs No. 22T Mohanjit Singh vs State of Punjab and 23T Inder Singh vs. State of Punjab shall be deemed as dismissed.

(ix) For the loss of income, the land owners shall be paid compensation @ Rs. 5000/- per acre, subject to maximum of Rs. 30000/-. It is however, clarified that the compensation for the loss of income shall be paid to only those land owners, at the time of acquisition whose entire holding or 75% of their holding has been acquired. In the case of Karam Chand vs State of Punjab the compensation @ Rs. 4000/- per month for a period of six months i.e. Rs. 24000/- in all shall be paid to him.

(x) For the severance of the land, those land owners whose land has been severed by the construction of road from Rajpura-Pabri road to the compact block

of acquired land as shown in site plan Ex. R.106 shall be paid compensation @ 20% of the market value of their left over land on the either side of the road, provided that the land owners, whose more than two acres or more land on either side is left shall not be entitled to compensation for severance. Secondly, those land owners whose less than 40% holding is left on either side of the road shall be entitled to claim compensation @ 20% of the market value of the land. It is further clarified that only those land owners, whose less than two acres of land has been left due to severance on either side of the road, after bifurcation, shall be entitled to compensation on account of severance of land. Those land owners, who owned less than two acres of land and only a part of their land has come under road, but their land has not severed into two pieces shall not be entitled for any compensation on account of severance.

(xi) In the case SGPC vs State of Punjab LR No. 88T, the compensation for the acquisition of the turbine to the tune of Rs. 20000/- has been awarded.

(xii) The other claims of enhancement on compensation, which have not been allowed shall be deemed as declined.

(xiii) In addition to other benefits the claimants shall also be entitled to 30% over and above the market value of the acquired land in consideration of

compulsory nature of acquisition. This benefit shall be allowed in accordance with the provisions of section 23(2) of the Act. The claimants shall also be entitled to addition of market value of the land @ 12% for the period from 11.4.1994 to the date of award of the Collector or the date of taking possession of the land, which ever is earlier, subject to the proviso given in Section 23 (1A) in the shape of explanation.

(xiv) The claimants shall also be entitled to interest as per the provisions of Section 28 of the Act. The claimant shall further be entitled to the costs of their references. As all the cases were consolidated and tried together, the expenses of witnesses shall be assessed only in the main case and shall be shared equally by all the references.

(xv) The Collector, Land Acquisition, Industries department, Punjab Chandigarh shall prepare following statement and submit the same in the Court within a period of four months:-

i) The details of the acquisition of abadi area in village Sardargarh giving the names of the owners and the extent of his abadi land acquired as per observation in para 183(1) of this award; In order to be more specific, the area of the house regarding which compensation has been assessed, along with the name of the house owners, shall be given. If a house was in fields and away from abadi, this fact

shall be specifically stated in the report. The details shall be of entire residential houses including cattle sheds etc. of village Sardargarh.

(ii) The detail regarding entitlement of compensation allowed on account of severance of land as per observations above :

(Note:- This information supplied by the Collector is only for assistance to the Court at the time of execution of this award and shall not create any right for any party to this case or shall be read as part of this award.)

(xviii) The claimants whose very small pieces of land have been left unacquired and the same are not economical to them shall file an application before the Collector within a period of six months of this award to take the benefit of the award dated 3.4.1995 and seek compensation, as per the observations at page 14 para 2 of the award of the Collector. In case their land is taken as per award of Collector, they shall be paid compensation as awarded by this Court for the acquired land.”

Aggrieved against the said award, both the Industry as well as the land owners have preferred the above appeals.

Learned counsel for the Industry has submitted that the Reference Court had erred in enhancing the market value of the acquired land. In fact, the acquired land was low lying area and was flood affected. The sale deeds placed on record by the land owners were with regard to small plots of land and could not be

taken in consideration while determining the market value of the land. Although, the land owners had based reliance on an award passed by the Reference Court with regard to acquisition made in village Neelpur for construction of Grain Market in terms of notification under Section 4 of the Act issued in the year 1980 but the land owners had failed to establish the distance between village Neelpur and the villages in question. Hence, the said award had been rightly discarded by the Reference Court. Learned counsel has further submitted that as per PW-9, the value of the land was about ₹ 65,000/- per acre in the year 1987. Learned counsel for the Industry has further submitted that PW-1 had stated that he had purchased the land in village Khadoli at the rate of ₹ 50,000/- per acre about 4-5 years prior to the acquisition. Learned counsel has further submitted that, although, the land had been acquired for setting up industry but the purpose qua which acquisition was made had failed.

Learned counsel for the land owners, on the other hand, have submitted that in view of the sale deeds proved on record by the land owners, market value of the acquired land was liable to be enhanced. As per RW-13, village Neelpur adjoined village Khadoli. Hence, the market value of the land was liable to be assessed as per the award Exhibit P-213. This Court in LPA No. 945 of 1996 (in RFA No. 1789 of 1988) had assessed the market value of the land qua village Neelpur at the rate of ₹1,70,000/- per acre. The land owners were liable to be granted compensation in terms of the said decision by giving the increase at the rate of 12% for the intervening period.

So far as the compensation granted by this Court with regard to acquisition of land of village Neelpur is concerned, the

same cannot be made the basis for assessing the market value in the present case.

Although, it has come in evidence that village Khadoli and Neelpur are adjoining each other but it has also come on record that the acquired land in the present case is low lying and flood affected. There is no evidence on record that the land of village Neelpur and the acquired land were having the same potential. PW-9 Darshan Singh in his cross-examination, deposed that the land in question had been purchased by him in the year 1987 at the rate of ₹ 65,000/- per acre. Hence, the market value of the land cannot be assessed on the basis of compensation awarded qua the land acquired in village Neelpur for setting up Grain Market.

The chart qua the sale transactions produced on record by the claimants, as reproduced in para 42 of the award is as under-

Sr. No.	Village	Sale deed/date	Land Purchased (in Bighas/ Biswas)	Total price paid (Rs.)	Price per acre	Exhibit P
1.	Khadauli	447/7.5.93	1-0	128000/-	614400/-	1
2.	-do-	2914/1.2.94	2-10	198000/-	380160/-	2
3.	-do-	2119/25.8.94	1-1½	100000/-	446511/-	3
4.	-do-	2069/8.10.93	1-0	120000/-	576000/-	4
5.	-do-	2523/24.12.93	0-8	40000/-	480000/-	5
6.	-do-	3466/17.3.94	1-0	100000/-	480000/-	6
7.	-do-	3644/31.3.94	1-9	120000/-	397241/-	7
8.	-do-	232/22.4.94	1-1½	90000/-	411428/-	8
9.	-do-	873/25.5.94	1-10	180000/-	576000/-	9
10.	-do-	2729/9.11.94	2-0	180000/-	432000/-	10
11.	-do-	2986/29.11.94	1-0	900000/-	432000/-	11
12.	-do-	3609/23.1.95	1-12 1/13	150000/-	445406/-	12
13.	-do-	4541/31.3.95	2-0	180000/-	432000/-	13
14.	-do-	2982/10.11.95	0-11	70000/-	610909/-	14
15.	-do-	3430/15.12.95	1-5	112500/-	432000/-	15

16.	-do-	4364/29.2.96	0-5	103500/-	1987200/-	16
17.	-do-	4365/29.2.96	0-10	206500/-	19824000/-	17
18.	-do-	1036/5.6.96	1-0	400000/-	1920000/-	18
19.	-do-	1432/27.6.96	0-5½	100000/-	1846153/-	19
20.	-do-	3093/28.11.96	2-0	200000/-	480000/-	20
21.	Srdargrh	2544/27.12.93	0-19	50000/-	421052/-	23

LR No. 39T titled Ajit Singh vs. State

Sr. No.	Village	Sale deed/date	Land Purchased	Total price paid	Price per acre	Exhibit P
1.	Jakhran	3067/11.2.94	1-0	80000/-	384000/-	1

LR No. 44T Maghar Singh vs. State of Punjab

Sr. No.	Village	Sale deed/date	Land Purchased	Total price paid	Price per acre	Exhibit P
1.	Sardrgarh	4017/12.3.93	4-0	150000/-	300000/-	1
2.	-do-	2525/24.12.93	2-0	75000/-	300000/-	2
3.	-do-	2294/25.11.93	5-0	187500/-	300000/-	3

The chart qua the sale transactions produced on record by the Industry/State, as reproduced in para 43 of the award is as under-

Sr. No.	Village	Sale deed/date	Land Purchased	Total price paid	Price per acre	Exhibit P
1.	Damanheri	561/14.5.933	1-15	22000/-	60342/-	84
2.	-do-	1296/25.6.93	0-10	8000/-	76800/-	85
3.	-do-	1419/8.7.93	7-0	189000/-	129600/-	86
4.	-do-	1428/9.7.93	7-0	189000/-	129600/-	87
5.	-do	1445/14.7.93	7-0	189000/-	129600/-	88
6.	-do	1532/28.7.93	5-15	155250/-	129600/-	89
7.	Khadauli	906/3.6.93	5-12	70000/-	60000/-	90
8.	-do-	1488/23.7.93	1-17	20000/-	51891/-	91
9.	-do	1489/23.7.93	0-18	10000/-	53333/-	92
10.	-do	1796/8.9.93	1-0	30000/-	144000/-	93
11.	Jakhran	92/8.4.93	2-17	41125/-	69263/-	94
12.	-do	911/3.6.93	12-0	150000/-	60000/-	95
13.	-do	1148/15.6.93	1-11	20000/-	61935/-	96
14.	-do	3199/21.2.94	3-19	74000/-	89924/-	97
15.	Kheri Gandian	117/19.4.93	1-5	15500/-	59520/-	98
16.	-do	926/3.6.93	13-17	173500/-	60129/-	99

17.	-do	1321/28.6.93	4-0	50000/-	60000/-	100
18.	-do	1462/19.7.93	2-10½	48000/-	91247/-	101
19.	-do	2132/20.10.93	1-0	20000/-	96000/-	102
20.	-do	2438/10.12.93	3-0	58000/-	92800/-	103
21.	-do	3639/31.3.93	2-10½	30000/-	57029/-	104

So far as the sale deeds proved on record by the Industry/State are concerned, the same were rightly not made the basis for assessing the market value of the acquired land by the Reference Court as the market value of the land as per the said sale deeds, is less than the market value of the land assessed by the Land Acquisition Collector.

So far as the sale deeds relied upon by the land owners are concerned, which were executed after the issuance of the notification under Section 4 of the Act are concerned, the same are liable to be ignored. So far as sale deed at serial No. 1 qua village Khadoli dated 7.5.1993 is concerned, the same was rightly ignored by the Reference Court as vide the said sale deed, one bigha of plot which was having a room, shed and boundary wall was sold and the sale transaction was for commercial purposes.

The average of the other sale deeds i.e. Exhibit P-2, Exhibit P-4, Exhibit P-5, Exhibit P-7, Exhibit P-23, Exhibit P-1 (village Jakhran), Exhibit P-1 (village Sardargarh) (excluding the sale deeds Exhibit P-6 (as it is of same amount as Exhibit P-5) and Exhibit P-2 and Exhibit P-3 qua village Sardargarh (as the value is same as Exhibit P-1) comes to about ₹ 4,20,000/- per acre. The learned Reference Court had, thus, erred in taking the average price of land at ₹ 3,50,000/- per acre on the basis of the sale transactions.

From the statement of PW-9 Darshan Singh, it is evident that the acquired land of the villages in question was of inferior

quality also. The sale deeds in question are with regard to small pieces of land. Hence, in the facts and circumstances of the present case, the learned Reference Court had rightly applied the cut of 50%. Thus, the market value of the acquired land was liable to be fixed at the rate of ₹ 2,10,000/- per acre instead of ₹ 1,75,000/- per acre as assessed by the Reference Court.

Accordingly, the market value of the acquired land is assessed at ₹ 2,10,000/- per acre. The other reliefs allowed by the Reference Court are upheld and the judgment passed by the Reference Court is modified only to the extent that the market value of the acquired land is fixed at ₹ 2,10,000/- per acre instead of ₹1,75,000/- per acre.

Accordingly, the appeals filed by the Industry are dismissed whereas the appeals filed by the land owners are allowed.

**(SABINA)
JUDGE**

July 15, 2015
Gurpreet