IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RFA No. 1285 of 2009 (O&M)
LAC No. 80 of 2002
Date of decision: December 10, 2015

Chhote Lal

.. Appellant

v.

The State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. M. L. Sarin & Shailendra Jain, Senior Advocates with
Mr. Ritesh Aggarwal, Mr. Gaurav Aggarwal,
Mr. Sandeep Sharma, Mr. Ram Kumar Saini for
Ms. Sheenu Sura, Advocates for the landowners.

Mr. Shivendra Swaroop, Assistant Advocate General, Haryana.

...

Rajesh Bindal J.

1. This order will dispose of

R.F.A. Nos. 1285, 2231 to 2235, 2530, 3203, 3421 to 3424, 3429, 5278 to 5282, 5284, 5286, 5287, 5360 to 5362 of 2009;

RFA Nos. 4243, 4666, 4894, 4895 of 2010.

2. In the appeals filed by the landowners, they are seeking enhancement of compensation for the acquired land, whereas in the appeals filed by the State, the prayer is for reduction thereof.

3. Briefly, the facts are that the land, situated in villages Adampur, Tikri and Fatehpur, Tehsil & District Gurgaon, was sought to be acquired by the State of Haryana vide notification dated 26.8.1997, issued under Section 4 of the Land Acquisition Act, 1894 (for short, `the Act') for development and utilisation thereof as Sector road/residential and commercial area in Sector 47, 49 and 50, Gurgaon. It was followed by notification under Section 6 of the Act dated 25.8.1998. The Land Acquisition Collector (for short, the Collector'), vide award No. 14 dated 24.8.2000, determined the market value of the acquired land @ ₹ 10,00,000/- per acre for Chahi land; ₹ 6,00,000/- per acre for Barani, Bhood and Banjar land and ₹ 12,00,000/- per acre for Gair Mumkin land pertaining to village Adampur. Aggrieved against the award of the Collector, the land owners filed objections. On reference under Section 18 of the Act, the learned court below, vide award dated 9.1.2009, assessed the market value of the acquired land @ ₹ 600/- per square yard.

4. Pertaining to the land of village Tikri, the Collector, vide award No. 12 dated 24.8.2000, assessed the compensation @ ₹ 10,00,000/- per acre for Chahi land; ₹ 6,00,000/- per acre for Barani, Bhood and Banjar land and ₹ 12,00,000/- per acre for Gair Mumkin land. Aggrieved against the award of the Collector, the landowners filed objections. On reference under Section 18 of the Act, the learned court below, vide award dated 12.1.2009, assessed the compensation @ ₹ 600/- per square yard.

5. In some cases, pertaining to the land of villages Tikri, Fatehpur and Adampur, the Collector, vide awards No. 12, 13 and 14 dated 24.8.2000 assessed the compensation @ ₹ 10,00,000/- per acre for Chahi land; 6,00,000/- per acre for Barani, Bhood and Banjar land and ₹ 12,00,000/- per acre for Gair Mumkin land. Aggrieved against the award of the Collector, the landowners filed objections. On reference under Section 18 of the Act, the learned court below, vide award dated 13.2.2009, assessed the compensation @ ₹ 600/- per square yard.

6. For the sake of convenience, the date of notification under Section 4 of the Act, the amount awarded by the Collector and the Reference Court and the date of award of the Reference Court in the present set of appeals is extracted below in tabulated form:

Date of notification under Section 4 of the Act	Amount awarded by by the Collector per acre in ₹	Amount awarded by the Reference Court per square yard in ₹	Date of award of the Reference Court
26.8.1997	Village Adampur 10,00,000/- for Chahi land 6,00,000/- for Barani, Bhood and Banjar land; 12,00,000/- for Gair Mumkin land	600/-	9.1.2009
	Village Tikri 10,00,000/- for Chahi land; 6,00,000/- for Barani, Bhood and Banjar land; 12,00,000/- for Gair Mumkin land.	600/-	12.1.2009
	Villages Tikri, Fatehpur & Adampur 10,00,000/- for Chahi land; 6,00,000/- for Barani Bhood and Banjar land; 12,00,000/- for Gair Mumkin land	600/-	13.2.2009

7. Learned counsel for the landowners submitted that the total acquired land in the case in hand is merely 24.19 acres. It is located at different places in small-small pockets. In fact, the area all around had been purchased by the builders and licences had been granted. As the notification in question was close to the acquisition under consideration in RFA No. 1824 of 2006—Sudama and others v. The State of Haryana and another, decided on 1.10.2010 and the location was also similar. The landowners in the present case deserve to be granted same amount of compensation. The learned court below had gone wrong in averaging the sale consideration shown in different sale deeds and thereafter applying a cut of 40% thereon. He further submitted that all the sale deeds pertain to the same revenue

estate, however, there is no site plan on record to show the exact location thereof. He further submitted that no cut was required to be applied on the value shown in the sale deeds. The acquired land is forming part of Sector 50.

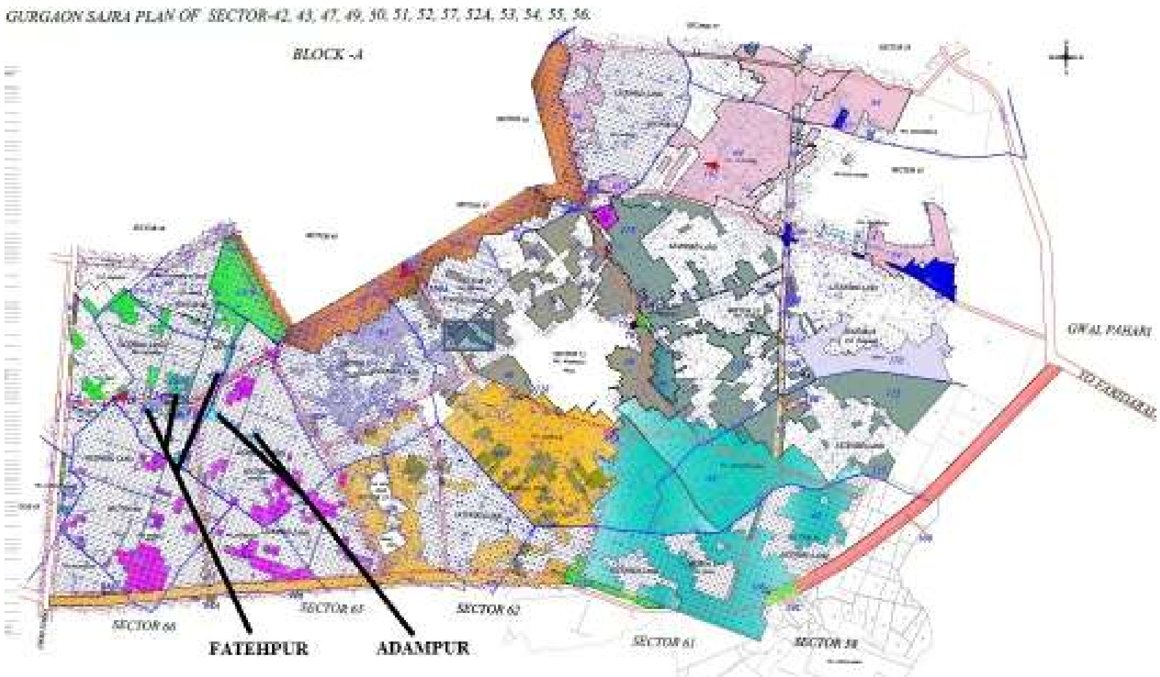
8. Along with CM No. 6572-CI of 2011 in RFA No. 2234 of 2009, the applicants-landowners have annexed Sajra plan. Learned counsel for the landowners submitted the applicants be permitted to produce the said plan on record to show contiguity of the acquired land. He further submitted that the State has not filed any cross appeal in RFA No. 4243 of 2010 filed by the landowners pertaining to land of village Tikri.

9. On the other hand, learned counsel for the State submitted that the application for additional evidence filed by the landowners deserves to be rejected as the site plan should have been produced before the Reference Court. Due diligence has neither been pleaded nor proved.

10. He further submitted that in all the sale deeds produced by the landowners, the buyers are builders. The area dealt with in the sale deeds is quite small. These are isolated transactions where more price was paid on account of different reasons and commercial angle being there. In any case, the land pertaining to the sale deeds has not been shown on any site plan produced on record. He further submitted that the Reference Court had applied lesser cut @ 40%, which should have been at least @ 50%.

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

12. Vide notification dated 26.8.l997, the land pertaining to revenue estates of Tikri, Fatehpur and Adampur was acquired. The acquired land is in small-small pockets. The scanned copy of the plan produced in RFA No. 2269 of 2010—Phool Singh and another v. State of Haryana and another, decided vide separate judgment of even date, showing acquired land is appended below:



13. Though in the site plan produced on record by the State, there is no area of acquired land marked in revenue estate of Tikri.

14. The landowners have produced various sale deeds on record, which pertain to the revenue estate of village Adampur, which are as under:

Ex.	Date of registration	Area sold (K-M)	Total sale consideration in ₹	Average per square yard in ₹	Village
P5	15.09.1996	3-0	17,32,500/-	955/-	Adampur
P6	15.09.1996	3-0	17,32,500/-	955/-	Adampur
P7	15.09.1996	2-0	11,55,000/-	955/-	-do-
P8	15.09.1996	2-0	11,55,000/-	955/-	-do-
P9	15.09.1996	3-0	17,32,500/-	955/-	-do-
P10	15.09.1996	3-0	17,32,500/-	955/-	-do-
P11	19.12.1997	2-3	18,06,836/-	1,389/-	-do-
P12	19.12.1997	2-12	17,83,203/-	1,134/-	-do-
P13	27.11.1996	2-18.5	18,04,323/-	1,020/-	-do-
P14	27.11.1996	2-19	18,04,323/-	1,011/-	-do-
P15	27.11.1996	2-19	18,04,323/-	1,011/-	-do-
P16	27.11.1996	2-19	18,04,323/-	1,011/-	-do-
P 17	06.12.1996	2-9	15,00,625/-	1,012/-	-do-
P18	06.12.1996	2-9	15,00,625/-	1,012/-	-do-
P19	06.12.1996	2-9	15,00,625/-	1,012/-	-do-
P20	07.12.1996	2-9	15,00,625/-	1,012/-	-do-
P 21	07.12.1996	2-9	15,00,625/-	1,012/-	-do-
P22	06.12.1996	2-9	15,00,625/-	1,012/-	-do-

P 23	25.10.1996	2-18	18,04,687/-	1,029/-	-do-
P24	07.11.1996	2-18	19,05,937/-	1,086/-	-do-
P25	22.11.1996	2-17	19,05,937/-	1,105/-	-do-

15. Out of the aforesaid sale deeds, in my opinion, sale deeds (Ex. P11 and Ex. P12), are not relevant, as the same were registered after the issuance of notification under Section 4 of the Act. Out of other sale deeds, in my opinion, sale deeds (Ex. P13 to Ex. P22), which were registered in November and December, 1996, would be relevant. These are in close range of ₹ 1,012/- to ₹ 1,019/- per square yard. As the area was in developing stage and the builders were buying the property, in my opinion, increase for the period of 8 months upto the date of issuance of notification under Section 4 of the Act deserves to be added thereon. After adding, the rounded off figure would come out to ₹ 1,100/- per square yard. Considering the size of the plots dealt with in the aforesaid sale deeds, in my opinion, a cut of 30% is required to be applied. After reducing the aforesaid amount, the compensation would come out to ₹ 770/- per square yard.

16. Reliance of learned counsel for the landowners on the judgment of this Court in Sudama's case (supra) for the purpose of assessment of compensation is misplaced as the land dealt with therein is located at a distance in different revenue estates and further there are sale deeds available pertaining to the revenue estate, land of which was acquired.

17. Accordingly, the landowners are held entitled to compensation @ ₹ 770/- per square yard. They shall also be entitled to all statutory benefits available to them under the Act.

18. The appeals filed by the landowners are allowed in the manner indicated above, whereas the appeals filed by the State are dismissed.

(Rajesh Bindal)
Judge

December 10, 2015
mk

(Refer to Reporter)