IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

R.F.A. No. 5360 of 2011 (O&M)
Date of decision: November 03, 2015

Kehar Singh

.. Appellant

v.

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Ashish Aggarwal, Senior Advocate with
Mr. Kulwant Singh and Mr. Kartik Gupta,
Mr. Naresh Kaushik, Mr. N. S. Panwar,
Mr. S. P. Khatri, Mr. Vinod Kumar for Mr. Harkesh Manuja,
Mr. R. S. Malik, Mr. Rakesh Lathwal,
Mr. Shiv Charan Bhola, Mr. Shilak Ram Hooda,
Mr. Arun Singal, Mr. M. L. Sharma,
Mr. S. P. Khatri, Mr. Navneet Singh,
Mr. Surinder Gaur, Mr. Salil Bali and
Mr. Abhinav Sood for Mr. Vikram Singh and
Mr. Vikram Punia
Advocates for the landowners.

Mr. Vishal Garg, Advocate for HUDA.
Mr. Abhinash Jain, Asistant Advocate General, Haryana.

Rajesh Bindal J.

1. This order will dispose of

R.F.A. Nos. 5360, 6509, 6510, 7358 of 2011;

RFA Nos. 786, 793, 3201 to 3260, 3280, 3334 to 3336, 3349 to 3393, 3400 to 3549, 3688 to 3737, 3747 to 3976, 4080 to 4156, 4190 to 4221, 4280 to 4341, 4353 to 4355, 4569 to 4592, 4627 to 4652, 4666 to

4677, 4685, 4686, 4694, 4849 to 4876, 4897 to 4900, 4993 to 4995, 5061 to 5063, 5152 to 5201, 5425 to 5436, 5503 to 5517, 5521, 5606 to 5615, 5727 to 5735, 5864, 6046 to 6057, 6489 to 6515, 7462 to 7465, 7468, 7469 of 2012;

RFA Nos. 440, 490, 509, 511 to 540, 1116 to 1120, 1642 to 1651, 1679 to 1681, 1685 to 1688, 1725, 2157, 2482 to 2487, 2613, 2804 to 2806, 2859, 3192 to 3199, 3246, 3535 to 3539, 3843 to 3848, 4284 to 4288, 4394, 4489, 4506, 4507, 5249, 5250, 5415, 5680, 6177, 6544, 6785 to 6787, 7130 of 2013;

RFA Nos. 209, 388, 579, 2056 to 2058, 2122, 2269, 2915, 3658, 3688, 3818, 3819, 3844 to 3852, 3854 to 3859, 4246, 4247, 4668, 4682 to 4685, 6321, 7205, 7258, 7346, 8375, 8476, 8794 to 8807, 9042, 9133, 9692, 9693, 10447 of 2014;

RFA Nos. 280, 2156 of 2015;

Cross Objections No. 1-CI of 2013;

Cross Objections Nos. 70-CI and 97-CI of 2014;

Cross Objections Nos. 47-CI to 52-CI of 2015.

2. In the appeals and cross objections filed by the landowners, they are seeking further 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 of the case are that vide notification dated 17.11.2005, issued under Section 4 of the Land Acquisition Act, 1894 (for short, `the Act'), State of Haryana sought to acquire land in village Jakholi, HB No. 37, village Sewli, HB No. 39, village Patla, HB No. 40, village Badhkhalsa, HB No. 41, village Firozepur Khadar, HB No. 70, village Asawarpur, HB No. 71, village Khewra, HB No. 72, village Bahalgarh, HB No. 73 and village Badh Malik, HB No. 68, for development and utilization thereof for commercial institutions and residential purposes for Sectors 65 to 68, Sonepat, developed as Rajiv Gandhi Education City, Phase-I. The same was followed by notification dated 7.2.2006 issued under Section 6 of the Act. The area of the land acquired in different villages is as under:

Village	Area acquired
Bahalgarh	4.83 acres
Khewda	8.47 acres
Asawarpur	515.13 acres
Firozepur Khadar	121.37 acres
Badhmalik	5.93 acres
Badhkhalsa	282.33 acres
Sewli	643.79 acres
Patla	370.67 acres
Jakholi	54.13 acres
Total acquired land	2006.50 acres

4. The Land Acquisition Collector (for short, 'the Collector') vide different awards dated 2.3.2006, assessed the market value of the acquired land @ ₹ 12,50,000/- per acre for all the villages.

5. Dissatisfied with the awards of the Collector, the land owners filed objections. On reference under Section 18 of the Act, the learned court below, vide award dated 31.3.2012, assessed the market value of the acquired land @ ₹ 32,00,000/- per acre pertaining to revenue estates of Badhkhalsa, Badh Malik, Asawarpur, Firozepur Khadar, Bahalgarh and Khewda and @ ₹ 28,00,000/- per acre for the land pertaining to revenue estates of Sewli, Patla and Jakholi. Vide different award dated 10.3.2011, in some cases, the learned Reference Court upheld the award of the Collector.

6. Vide notification dated 16.11.2005, issued under Section 4 of the Act, State of Haryana sought to acquire 5 kanals and 3 marlas of land, situated in revenue estate of Rasoi, Tehsil and District Sonepat for construction of road between Sectors 61 and 62, Sonepat. The same was followed by notification dated 15.6.2006 issued under Section 6 of the Act. The Collector, vide award No. 23 dated 18.3.2008, assessed the market value of the acquired land @ ₹ 16,00,000/- per acre.

7. Dissatisfied with the award of the Collector, the land owners filed objections. On reference under Section 18 of the Act, the learned court

below assessed the market value of the acquired land @ ₹ 32,00,000/- per acre.

8. For the sake of convenience, date of notification under Section 4 of the Act, 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 Act	Amount awarded by the Collector per acre in ₹	Amount awarded by the Reference Court per acre in ₹	Date of award of the Reference
17.11.2005	12,50,000/-	32,00,000/- for Badhkhalsa, Asawarpur, Badh Malik, Firozepur Khadar, Bahalgarh and Khewda 28,00,000/- for villages Sewli, Patla & Jakholi	31.3.2012
		12,50,000/-	10.3.2011
16.11.2005	16,00,000/-	32,00,000/-	21.9.2013

9. The aforesaid awards have been impugned in the present set of appeals by the landowners as well as the State.

Arguments on behalf of landowners regarding notification dated 17.11.2005

10. Learned counsel for the landowners submitted that the land in question is located in National Capital Region close to Delhi border. The entire area around the acquired land was already developed. Part of the acquired land is abutting GT Road, whereas part of it is located behind that. Moti Lal Nehru Sports School, Rai, which was set up in 1973, is located adjoining to the acquired land. It is located close to the inter-section from where KMP Expressway emanates from GT Road. Beyond that, the area had already been developed by Haryana State Industrial & Infrastructure Development Corporation (for short, 'HSIIDC') for industrial and residential

purposes. Number of builders had already purchased the land in the area for use as residential and commercial purpose. Substantial portion of land purchased by the builders was also acquired vide notification in question. Because of shifting of industries from Delhi, the process for which started about a decade prior to the issuance of notification under Section 4 of the Act, there was lot of pressure for land in the area, the same being close to Delhi. He further submitted that the learned court below has failed to appreciate the evidence produced on record by the landowners for the purpose of assessment of compensation. The sale transactions pertaining to the acquired land and that too big chunks are always best exemplars. There is not one but many of them. Still the court below did not assess the compensation in terms thereof. Reliance was placed upon sale deeds Exs. P27, P28, P30, P37, P41, P42, P44, P45, P46, P47, P49, P50, P51, P52, P53, P54, P63, P64, P65, P67, P68, P69, P71, P73, P74 and P75. The land pertaining to the aforesaid sale deeds was located at different places in the acquired land, as these were forming part of the acquired land. The land dealt with in some of the sale deeds was located close to GT Road, whereas some were located towards extreme end of the acquired land away from GT Road. These were, in fact, the best exemplars considering the fact that even the area dealt with in most of the sale deeds was quite large. Some purchases had been made by the builders. Even if average of the sale consideration is taken and a small cut is applied, though not required, still the compensation will come out to be much more that what has been awarded by the court below. In fact, the method adopted by the court below, i.e., averaging the sale deeds produced by the landowners as well as the State cannot stand in judicial scrutiny. The entire acquired land deserves to be assessed at the same rate, as was even done by the Collector, The Reference Court had categorised the land revenue estate-wise for assessing different amount of compensation. Even the sale transactions produced by the landowners also suggest that value of the land even beyond GT Road was not less than the land on GT road, as it all depends on the requirement of a person. It is settled law that highest of the sale examplar has to be considered.

11. Mr. S. P. Khatri, learned counsel appearing for some of the landowners, submitted that the sale transactions relied upon by the landowners pertained to undeveloped land, which was acquired, hence, there is no question of application of any cut, especially considering the fact that the area dealt with therein is quite large. If the highest of the sale examplar pertaining to a small plot is considered, then only the principle regarding application of cut can be applied. In fact, the acquisition of land, which had already been purchased by the builders for development as commercial and residential area, by the State for development as Sectors 53 to 56 itself establishes a fact that there was no availability of the land in the area for planned development. In support of the plea, reliance was placed upon Mehrawal Khewaji Trust (Regd.) Faridkot and others v. State of Punjab and others, 2012(2) RCR (Civil) 893.

Regarding notification dated 16.11.2005

12. Learned counsel for the landowners submitted that for the purpose of assessment of compensation for the acquired land, the Reference Court had placed reliance upon its award pertaining to acquisition of land for development as Rajiv Gandhi Education City, pertaining to different villages, where notification under Section 4 of the Act was issued on 17.11.2005. Appeal against the aforesaid acquisition is pending in this court. The submission is that the landowners in the present case also deserve to be allowed the same amount of compensation, as granted for acquisition carried out vide notification dated 22.6.2006. The land in question is adjoining to the land acquired for Rajiv Gandhi Education City.

Arguments on behalf of State regarding notification dated 17.11.2005

13. On the other hand, learned counsel for the State submitted that relevance of all the sale deeds produced by the landowners has already been considered by the court below and the same have rightly been discarded. The land pertaining to most of them was located on GT Road or nearby or close to the area, which had already been developed. While referring to the sale deeds Ex. R8 to Ex. R11, Ex. R14, Ex. R15 and Ex. R20 to Ex. R23

produced by the State, it was submitted that the land pertaining there to is either within the acquired land or just adjoining thereto. The sale consideration paid therein clearly established the fact that the award of the Collector was just and fair. The location of the land dealt with in the sale deeds has been shown in site plan (Ex. R1). The method applied by the court below while averaging the sale consideration paid in some of the sale deeds produced by the landowners and some by the State and then application of a cut is not appropriate, as better evidence in the form of sale deeds produced by the State was available, which clearly justified the award of the Collector. He further submitted that value of the land abutting a National Highway and which is located behind that is always different, hence, method of belting system deserves to be applied for the purpose of assessment of compensation for the acquired land, which had depth upto 50 acres from GT Road.

Regarding notification dated 16.11.2005

14. On the other hand, learned counsel for the respondents did not dispute that the award pertaining to acquisition for development as Rajiv Gandhi Education City is relevant for the purpose of assessment of compensation in the present case.

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

Location of the land

16. The acquired land falls in District Sonepat, which is adjoining to Delhi Border. As per the information furnished by learned counsel for HSIIDC, the process for development of Industrial Estate at a place located about 5-6 kilometers from Delhi Border towards Sonepat started with the transfer of land from Colonisation Department to HSIIDC in the year 1980, which was developed as Industrial Estate, Phase-I, abutting GT Road. Industrial Estate, Phase-II was developed again on the land transferred from Colonisation Department in the year 1983. Subsequent thereto, the land was acquired vide notification dated 19.6.1992 for development as Phase-III (EPIP), valuation of which was subject-matter of consideration before this Court in RFA No. 4658 of 2001—Vijay Jyoti Housing Private Ltd. v. State

of Haryana and others, decided on 3.7.2009, where compensation was assessed @ ₹ 79/- per square yard, which was upheld by Hon'ble the Supreme Court. The land pertaining to he aforesaid Phase is located behind the land acquired for Phase-I and Phase-II.

17. Vide notification dated 23.2.1994, land was acquired for development as Fruit and Vegetable Complex, which was abutting GT Road, located at a distance of about 7-8 kilometres from Industrial Estate, Phase-I towards Sonepat. The aforesaid land was ultimately transferred to HSIIDC for development as Industrial Estate, Phase-I (Sector 38). The aforesaid land is located just opposite Moti Lal Nehru School of Sports, Rai and the land was subsequently acquired for development as Rajiv Gandhi Education City, Phase-I.

18. Thereafter, vide different notifications dated 14.10.1996, 24.7.1997, 22.10.1997 and 5.8.1997, the land was acquired for development as Industrial Estate, Phase-IV. Major chunk of land for which notification under Section 4 of the Act was issued on 5.8.1997 was partly abutting GT Road adjoining to the land already acquired for Phase-I and Phase-III (EPIP), whereas vide other notifications small-small portions of land were acquired, which were located at different places adjoining to the land already acquired for Phase-I to Phase-III. The assessment of compensation for the land acquired for Phase-IV was subject-matter of consideration before this Court in RFA No. 1854 of 2002—Bhim Sain Juneja v. State of Haryana and others, decided separately today, where notification under Section 4 of the Act was issued on 14.10.1996 and compensation has been assessed therein @ ₹ 10,40,000/- per acre.

19. Continuing with different acquisitions of land adjoining to the aforesaid land, the State vide notification dated 21.12.2005 acquired large chunk of land in the form of Industrial Estate, Phase-V. The aforesaid land is located behind the land already acquired for Phase-III (EPIP) and Phase-IV. The distance of the aforesaid acquired land is almost similar from GT Road and the same is in the form of a strip, which is also shown as Sectors 53 to 56. Thereafter, vide different notifications dated 25.5.2007, 1.4.2008 and 5.3.2010, left out portions of land of Phase-V were acquired. There are

no appeals pertaining to the acquisition of land vide notification dated 25.5.2007 and 5.3.2010.

20. Vide separate notification dated 30.3.2001, 20 acres, 4 kanals and 15 marlas land was acquired from the revenue estate of Sersa. It is located at a distance of about 2-3 kilometers away from the boundary of land acquired for Phase-IV, away from GT Road.

21. Vide notification dated 5.10.2005, the land was acquired in pockets for residential and commercial purposes forming part of Sectors 59 and 60. The same was adjoining to the land acquired for development as Phase-V and was located almost at an equal distance from GT Road and in parallel width. The entire land of Sectors 59 and 60 was not acquired, as part of that may have been purchased by private persons.

22. Vide separate notification dated 16.11.2005, the land was acquired for construction of a road leading from GT Road between Sectors 61 and 62 and thereafter touching the boundary of Sector 59.

23. Just adjoining to Sector 62 on the same side of GT Road, large chunk of land was acquired for development as Rajiv Gandhi Education City forming part of Sectors 65 to 68, where notification under Section 4 of the Act was issued on 17.11.2005. The aforesaid land is abutting GT Road.

24. On the other side of GT Road, opposite the land acquired vide different notifications, as referred to in the preceding paragraphs, a strip of land was acquired for development as Kundli-Manesar-Palwal Expressway, where notification under Section 4 of the Act was issued on 13.8.2004. It is passing in between Sectors 38 and 39 and abutting corner of the land acquired for Rajiv Gandhi Education City, Phase-I on the other side, adjoining to which the land was acquired for Eastern Expressway, which passes in between Rajiv Gandhi Education City and Sector 62.

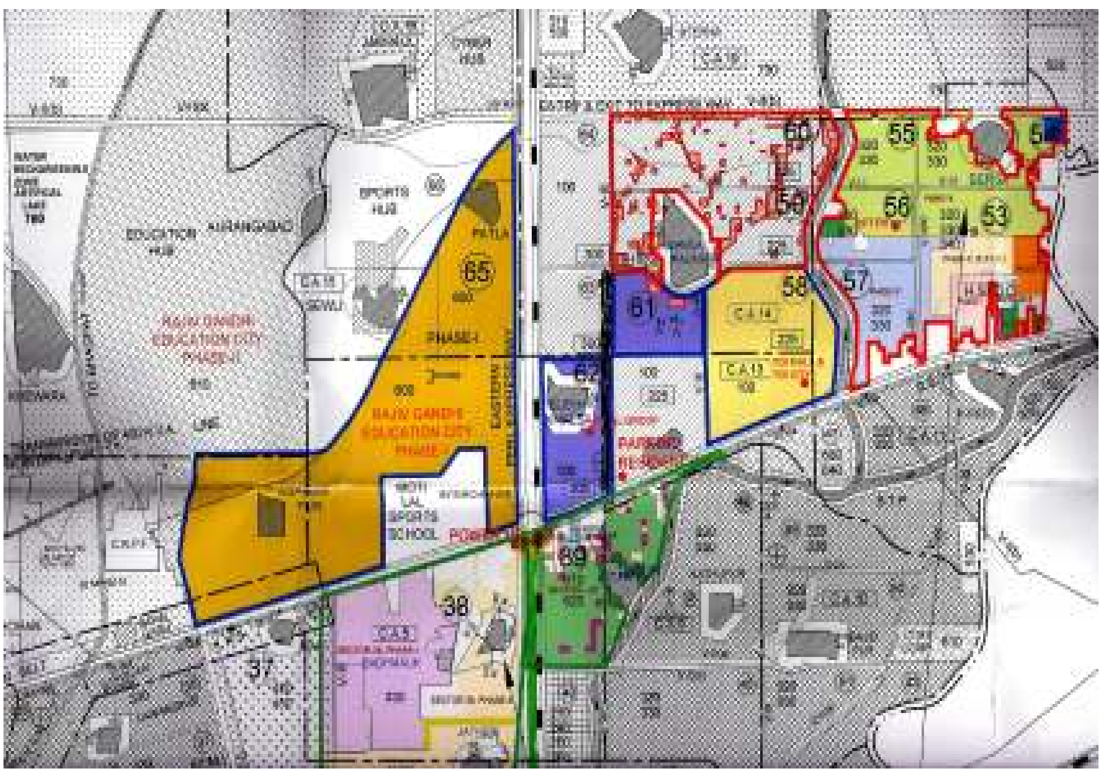
25. Vide notification dated 30.6.2005, land was acquired for development as Industrial Estate, Sector 39, located on GT Road just opposite Sector 62 and adjoining to Sector 38. Small left out portion in Sector 39 was acquired vide notification dated 5.3.2007.

26. Vide notification dated 22.6.2006, large chunk of land was acquired for development as Industrial Estate, Phase-II (Sector 38). It is

sandwitched between Sector 38, Phase-I and Sector 39 and further KMP Expressway in between Sector 38, Phase-II and Sector 39. Part of the aforesaid land is abutting GT Road.

27. Just three months prior in time, vide notification dated 28.3.2006, small strip of land was acquired for development as Phase-III. This is forming part of Sector 38.

28. To have an idea of the portions of land acquired vide different notifications, as mentioned above, scanned copy of the site plan thereof is added hereunder:



29. A perusal of the awards passed by the learned Reference Court at different times, show that in some cases, vide award dated 31.3.2012, the Reference Court assessed the compensation @ ₹ 32,00,000/- per acre for villages Badh Khalsa, Badh Malik, Asawarpur, Firzepur Khadar, Bahalgarh and Khewda and @ ₹ 28,00,000/- per acre for villages Sewli, Patla and Jakholi, whereas vide award dated 10.3.2011, pertaining to the same acquisition of all the villages, the Reference Court upheld the award of the Collector in some cases. The manner in which the cases have been decided

created anomalous situation, as different awards have been passed at different times. To avoid such a situation, this Court in Smt. Maya and others v. State of Haryana and others, (2013) 2 RCR (Civil) 518, issued certain directions to take care of such situation. The same are extracted below:

> "16. To streamline the dealing of cases under the Land Acquisition Act, with a view to ensure their expeditious disposal, this Court deems it appropriate to issue the following directions:
>
> (1) The Land Acquisition Collector shall ensure that all the land owners who file objections furnish their complete addresses.
>
> (2) All the objections received by the Collector in land acquisition cases shall be referred to the court for adjudication maximum within three months after receipt thereof. Along with the objections or bunch of objections, a certificate shall be annexed by the Collector to the effect that all the objections received upto that date for the acquisition in question have been sent to the court.
>
> (3) Whenever a land reference is put up before the learned court below, to which it is entrusted, it shall ensure from the District Attorney/Assistant District Attorney and/or the Collector that all the objections received by the Collector upto date have been sent to the court for adjudication. A certificate to the effect has to be placed on record. In case the land references were received on different dates and were put up on different dates either for first hearing or for hearing after notice, the learned court below shall club all the land references arising out of the same acquisition to be heard on one date of hearing before it proceeds further in the matter. Assistance of the office of District Attorney is most

relevant on this aspect.

(4) In case some objections are received late by the Collector for any reason whatsoever, he shall be duty-bound to refer the same to the court immediately after its receipt so that the same is clubbed with the cases already pending and are disposed of along with that. Information about the cases already sent to the court shall also be furnished by the Collector.

(5) In case any objection is received after the disposal of the land references by the learned Reference Court, the Collector while sending the same to the court for adjudication shall annex a copy of the award/judgment of the court along with that, pertaining to the acquisition in question.

(6) The decision of the land references arising out of the same acquisition in piece-meal on different dates has to be avoided at all cost unless the reference is received late.

(7) The learned courts below to keep in view the directions issued by Hon'ble Supreme Court in Mangat Ram Tanwar's case (supra) pertaining to disposal of land acquisition cases which are extracted below:

> "6. We are aware of the problem of back long in most of the Courts. The references under Section 18 should be treated as a class by themselves entitled to priority attention. If care and attention are devoted at the appropriate time, these cases can be easily disposed of by clubbing them groupwise and recording evidence after taking the consent of counsel for the parties. Most of the acquisitions these days relate to large patches of land and ordinarily they are covered under one notification. Cases which are covered by a common notification

should be clubbed together for which a statutory foundation is available in the Amending Act of 1984 in extending the benefit of higher compensation to all lands covered by a common notification even if dispute is not raised. If that is done the total number of cases where evidence would be necessary is likely to be reduced and better attention can perhaps be given. The High Courts should take special note of the pendency of land acquisition references and where it is possible a Court may be set apart for those cases.

7. We expect every referee court to dispose of the references ordinarily within one year of receipt of the reference and the outer limit should be the end of the second year. The High Courts in exercise of their controlling powers should ensure enforcement of this position so that all pending references in the subordinate courts at the original stage may be disposed of within time frame indicated above."

(8) The cases pertaining to acquisition of land for a canal/drain/road/channel/distributory or of similar nature, where the acquired land passes through different villages in the form of a strip, endeavour should always be made to entrust the cases to one court. Even if the same arise out of different notifications, though issued close in time, the learned courts below should also make efforts to decide these cases collectively after perusing site plan for the entire acquired land. It would be in the interest of all the parties concerned that a site plan showing location of the entire acquired land and also the surrounding area is produced by the State in court. The learned courts below to keep in view the observations made by this

court in R.F.A. No. 686 of 1991 –Lokeshwar Dutt v. The State of Haryana and another, decided on 16.8.2010, pertaining to the same issue, which are extracted below:

> " However, finding that number of cases are coming before this court, where this type of situation is being repeated on account of which the court finds it difficult to determine the fair value of the acquired land, which may result in injustice to either of the party. Not only that, in number of cases, the applications are filed by the land owners for producing additional evidence, which, in fact, should be part of the evidence to be led by the land owners/State at the very first instance. In many cases, the court, in the interest of justice, had to ask the State or the party to produce on record the site plan showing the exact location of the acquired land, sale deeds etc. to avoid injustice to either of the party. This unnecessarily delays the disposal of cases. The basic things, which should be brought on record to enable the court to determine fair value of the acquired land is the notification under Section 4 of the Act, copy of the award, site plan to the scale, showing the acquired boundary vis-a-vis its location such as its closeness to the city, village, highway, internal road with all its positive and negative factors. Another important fact is that such a plan should have the status as on the date of issuance of notification under Section 4 of the Act, the date being crucial for the purpose of determination of fair value of the acquired land. It would be appropriate if the sale instances sought to be produced by the land owners or the

> State are pointed out on the site plan to be produced on record by either of the party. In the absence of which it is difficult to locate the same and consider its true value. The site plan, which should be taken on record, should be on butter paper or cloth, as it is seen in a number of cases that when the appeals are heard after 15-20 years, the site plans, which are quite big and may be on thin tracing paper, are torn out making it difficult for the parties to refer to the same and also for the court to consider."

(9) At the time of filing of appeals against the awards of the learned Reference Court pertaining to an acquisition, the Collector/Land Acquisition Officer shall file an affidavit that appeals against all the awards of the learned Reference Court pertaining to the particular acquisition, have been filed.

(10) This court in R.F.A. No. 4742 of 2010—The State of Haryana and another v. Sh. Tek Chand and others, decided on 11.10.2010, wherein the appeal was filed by the State against award of the learned court below despite the fact that the earlier award of the Reference Court, which had been relied upon for the purpose of determination of compensation in that case had already been upheld by this court and there was no merit in the appeal even on the date of filing thereof, had issued following directions:

> "To avoid unnecessary adjournments of the cases, I deem it appropriate to direct that in all appeals filed by the land owners or the State following information must be furnished in the appeal itself:
>
> (i) In case the learned Reference Court had

relied upon any earlier award pertaining to same or any other acquisition, the fact as to whether any appeal against the same is pending or not, should be mentioned in the grounds of appeal. The number of such appeal and status thereof be also mentioned.

(ii) In case no earlier award is relied upon by the Reference Court, it should be mentioned that the Reference Court has not relied upon any earlier award.

The aforesaid facts should be mentioned in the last para of the grounds of appeal before the prayer clause. The Registry is directed to ensure compliance of the requirement. This may be brought to the notice of the Bar Association for notifying to the learned members of the Bar."

(11) In case the State fails to file appeals in all the cases decided by the Reference Court and ultimately the amount of compensation is reduced by the higher court, the State shall be duty-bound to fix the responsibility of the person(s) concerned for the lapse and also recover the amount of loss suffered from the guilty officer(s)/official(s).

(12) The learned Reference Court should also ensure from the Collector and/or the District Attorney that no land reference pertaining to the acquisition of land in the area, which is prior in time, is pending for adjudication and in case there was any acquisition of land in the area prior in time, the award passed by the Reference Court or the higher court therein should always be brought to the notice of the court concerned.

> (13) It should be ensured by the court that the land references pertaining to acquisition of land, which is prior in time, are decided first before taking up the cases of the acquisition carried out subsequently."

30. The aforesaid directions were not comprehensive as such, but still need to be taken care of while deciding cases pertaining to assessment of compensation for the acquired land.

Basis for assessment of compensation by the learned Reference Court

31. For the purpose of assessment of compensation, the learned Reference Court averaged the sale consideration paid in some of the sale deeds produced by the landowners, whereas some produced by the State and noticed the fact that the land pertaining to revenue estates of Badh Khalsa, Badh Malik, Asawarpur and Firozepur Khadar abuts GT Road and small areas of acquired land of revenue estates of Bahalgarh and Khewda is adjoining to Asawarpur. Finding that the land pertaining to revenue estates of Badh Khalsa, Badh Malik, Asawarpur, Firozepur Khadar, Bahalgarh and Khewda has more potential value than the land falling in the revenue estates of Sewli, Patla and Jakholi, hence, the acquired land has to be divided into two categories for the purpose of assessment of compensation. Accordingly, a cut of 23% was applied on ₹ 42,00,000/-, i.e., the sale consideration in sale deed (Ex. P63) for assessment of compensation for the land pertaining to revenue estates of Badh Khalsa, Asawarpur, Firozepur Khadar, Bahalgarh and Khewda and 33% for assessment of compensation for the land pertaining to revenue estates of Sewli, Patla and Jakholi.

32. In the award of the Reference Court pertaining to land of all the villages, which is subject-matter of RFA No. 5360 of 2011, the award of the Collector was upheld.

Principles for assessment of compensation

33. The principles of law laid down 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 v. 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 substraction 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:

Plus factors	*Minus factors*
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. Kamalamma, (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, Tejumal 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 v. Balanagouda, Civil Appeals Nos. 62-65, 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."

34. 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 v. 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."

xx 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. U.P. Govt. 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."

35. A perusal of the aforesaid judgments shows that bona fide sale transaction of the land adjacent to the acquired land, proximate to the date of acquisition and possessing similar advantages, is the best evidence. The size of the land dealt with in the sale deed is also relevant. If all these factors are satisfied, there is no reason for not placing reliance on those sale transactions. Certain positive and negative factors have also been specified besides the location of the land dealt with in the sale transactions.

36. The issue regarding application of reasonable cut while considering the sale deeds pertaining to small plots was considered by Hon'ble the Supreme Court in Major General Kapil Mehra and others v. Union of India and another, (2015) 2 SCC 262. The application of cut falls

in two categories, namely, the area required to be utilised for development works and infrastructural facilities and the second is regarding cost of development. The principles for the purpose as laid down in Lal Chand v. Union of India and another, (2009) 15 SCC 769, were reiterated by Hon'ble the Supreme Court in Major General Kapil Mehra's case (supra). Para 40 thereof is extracted below:

> "40. Rule of one third deduction towards development appears to be the general rule. But so far as Delhi Development Authority is concerned, or similar statutory authorities, where well planned layouts are put in place, larger land area may be utilized for forming layout, roads, parks and other common amenities. Percentage of deduction for development of land to be made in DDA or similar statutory authorities with reference to various types of layout was succinctly considered by this Court in Lal Chand's case (supra) and observing that the deduction towards the development range from 20% to 75% of the price of the plots, in paras 13 to 22, this Court held as under:
>
> > "13. The percentage of "deduction for development" to be made to arrive at the market value of large tracts of undeveloped agricultural land (with potential for development), with reference to the sale price of small developed plots, varies between 20% to 75% of the price of such developed plots, the percentage depending upon the nature of development of the layout in which the exemplar plots are situated.
> >
> > 14. The "deduction for development" consists of two components. The first is with reference to the area required to be utilized for developmental works and the second is the cost of the development works. For example, if a residential layout is formed by DDA or similar statutory authority, it may utilize around 40% of

the land area in the layout, for roads, drains, parks, playgrounds and civic amenities (community facilities), etc.

15. The development authority will also incur considerable expenditure for development of undeveloped land into a developed layout, which includes the cost of levelling the land, cost of providing roads, underground drainage and sewage facilities, laying water lines, electricity lines and developing parks and civic amenities, which would be about 35% of the value of the developed plot. The two factors taken together would be the “deduction for development” and can account for as much as 75% of the cost of the developed plot.

16. On the other hand, if the residential plot is in an unauthorized private residential layout, the percentage of “deduction for development” may be far less. This is because in an unauthorized layout, usually no land will be set apart for parks, playgrounds and community facilities. Even is any land is set apart, it is likely to be minimal. The roads and drains will also be narrower, just adequate for movement of vehicles. The amount spent on development work would also be comparatively less and minimal. Thus the deduction on account of the two factors in respect of plots in unauthorized layouts, would be only about 20% plus 20% in all 40% as against 75% in regard to DDA plots.

17. The “deduction for development” with reference to prices of plots in authorized private residential layouts may range between 50% to 65% depending upon the standards and quality of the layout.

18. The position with reference to industrial layouts will be different. As the industrial plots will be large (say

of the size of one or two acres or more as contrasted with the size of residential plots measuring 100 sq. m to 200 sq. m), and as there will be very limited civic amenities and no playgrounds, the area to be set apart for development (for roads, parks, playgrounds and civic amenities) will be far less; and the cost to be incurred for development will also be marginally less, with the result the deduction to be made from the cost of an industrial plot may range only between 45% to 55% as contrasted from 65% to 75% for residential plots.

19. If the acquired land is in a semi-developed urban area, and not an undeveloped rural area, then the deduction for development may be as much less, that is, as little as 25% to 40%, as some basic infrastructure will already be available. (Note: The percentages mentioned above are tentative standards and subject to proof to the contrary).

20. Therefore the deduction for the "development factor" to be made with reference to the price of a small plot in a developed layout, to arrive at the cost of undeveloped land, will be far more than the deduction with reference to the price of a small plot in an unauthroized private layout or an industrial layout. It is also well known that the development cost incurred by statutory agencies is much higher than the cost incurred by private developers, having regard to higher overheads and expenditure.

21. Even among the layouts formed by DDA, the percentage of land utilized for roads, civic amenities, parks and playgrounds may vary with reference to the nature of layout-whether it is residential, residential-cum- commercial or industrial; and even among residential layouts, the percentage will differ having

regard to the size of the plots, width of the roads, extent of community facilities, parks and playgrounds provided.

22. Some of the layouts formed by the statutory development authorities may have large areas earmarked for water/sewage treatment plants, water tanks, electrical substations, etc. in addition to the usual areas earmarked for roads, drains, parks, playgrounds and community/civic amenities. The purpose of the aforesaid examples is only to show that the "deduction for development" factor is a variable percentage and the range of percentage itself being very wide from 20% to 75%, Lal Chand's case deals with acquisition of lands by DDA under the Rohini Residential Housing Scheme where 40% deduction was made towards the land area to be utilized for laying down of roads, drains etc. Further deduction of 35% of the value of the developed plot towards cost of levelling the land, cost of providing roads, underground drainage, laying down water lines, electricity lines was made."

37. In Pehlad Ram and others v. Haryana Urban Development Authority and others, 2014(1) RCR (Civil) 316, Hon'ble the Supreme Court, while referring to an earlier judgment of Hon'ble the Supreme Court in The Dollar Company v. Collector of Madras, AIR 1975 SC 1670, opined as under:

"13. This Court in **The Dollar Company** (Supra) has categorically laid down that in case the land of the claimant has been acquired in close vicinity of the purchase, the consideration paid by such claimant to the vendor is the best evidence of the market value of the land. The court should not award more unless it is possible to reach a different conclusion. Even the appellate court should not interfere in such a fact situation unless the judgment is based on wrong application of principle or because some important point affecting valuation has been overlooked or misapplied. The consideration paid by the owner only a few months ago presents bonafide evidence of value subject to certain exceptions such as relationship of the parties, market conditions and terms of sale and the date of sale."

38. Hon'ble the Supreme Court in Ram Kanwar and others v. State of Haryana and another, 2015(1) RCR (Civil) 234 opined that sale deeds pertaining to the acquired land or the adjoining land are the best exemplar. The awards pertaining to earlier acquisition are to be relied upon only in the absence thereof.

39. 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.

xx xx xx

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."

Assessment of compensation

40. Major chunk of land in the vicinity with similar potentiality was acquired vide notifications dated 30.6.2005 (Sector 39), 5.10.2005 (Sectors 59 and 60 Residential), 17.11.2005 (Sectors 65 to 68-- Rajiv Gandhi Education City) and 21.12.2005 (Industrial Estate Phase-V). The other acquisitions are either some left out portions from the aforesaid acquisitions or small portions acquired subsequently for different purposes. Large subsequent acquisition is for development as Sector 38, Phase-II, where notification under Section 4 of the Act was issued on 22.6.2006.

41. For the purpose of assessment of compensation, the evidence led by the landowners in the present appeals pertaining to acquisition for Sectors 65 to 68 is in the form of sale deeds. Though the landowners sought to place reliance upon various sale deeds, as have been noticed in paragraph No. 10 of the judgment, where arguments have been noticed, however, the sale deeds, which were found to be relevant out of the sale deeds, referred to by learned counsel for the landowners, have been categorised in three parts, namely, sale deeds pertaining to the land located on GT Road, sale deeds pertaining to the acquired land not abutting GT Road and sale deeds pertaining to the land not forming part of the acquired land. The same are extracted below:

Sale deeds pertaining to land located on GT Road

Ex.	Date	Area	Sale consideration in ₹	Average per acre in ₹	Revenue Estate
P63	26.4.2005	2K-17M	15,00,000/-	42,10,526/-	Firozepur Khadar
P64	1.3.2005	9K-17M	32,01,250/-	26,00,000/-	Asawarpur
P67	14.7.2005	15K-17M	56,01,000/-	28,27,003/-	-do-
P68	6.10.2005	21K-0M	72,00,000/-	28,42,857/-	-do-
P69	1.8.2005	6K-12M	31,00,000/-	37,57,575/-	Badh Malik

Sale deeds pertaining to acquired land not abutting GT Road

Ex.	Date	Area	Sale consideration in ₹	Average per acre in ₹	Revenue Estate
P27	31.10.2005	28K-11M	2,49,81,250/-	70,00,000/-	Badh Khalsa
P28	31.10.2005	6K-19M	60,81,260/-	70,00,000/-	-do-
P41	18.2.2005	16K-2M	1,04,65,000/-	52,00,000/-	Patla
P42	23.3.2005	36K-6M	2,35,95,000/-	52,00,000/-	-do-
P46	3.1.2005	29K-6M	1,20,86,250/-	33,00,000/-	-do-

Sale deeds pertaining to the land not forming part of the acquired land

Ex.	Date	Area	Sale consideration in ₹	Average per acre in ₹	Revenue Estate
P30	7.1.2005	9K-12M	60,00,000/-	50,00,000/-	Badh Khalsa
P37	31.5.2005	12K-15M	92,45,000/-	58,00,784/-	Patla
P44	30.5.2005	12K-19M	93,88,750/-	58,00,000/-	Patla
P45	30.5.2005	4K-5M	30,81,250/-	58,00,000/-	Patla
P47	28.4.2005	15K-16M	1,02,70,000/-	52,00,000/-	Patla
P50	10.9.2004	14K-4M	76,32,500/-	43,00,000/-	Badh Khalsa
P51	10.9.2004	18K-9M	99,16,875/-	43,00,000/-	-do-
P73	4.5.2004	47K-5M	2,30,34,375/-	39,00,000/-	Rasoi
P74	2.7.2004	32K-15M	1,63,75,000/-	40,00,000/-	Rasoi
P75	6.7.2004	38K-11M	1,92,75,000/-	40,00,000/-	Rasoi

42. There are two categories of land for which separate compensation is required to be assessed, namely, the land abutting GT Road, which may have depth upto four acres and the land located behind that. Sale deeds Ex. P27 and Ex. P28, land of which is forming part of the acquired land, deserve to be ignored for the reason that the same were registered after the process of acquisition for development as Sectors 39, 59 and 60 had already been initiated and just close thereto was the acquisition in question and the acquisition for Phase-V. The average sale consideration paid in sale deeds Exs. P41, P42 and P46, pertaining to land of village Patla, come out to ₹ 45,66,666/- per acre. The same were registered prior to the acquisition in question. Keeping in view various principles laid down for assessment of compensation and the fact that the land pertaining to the sale

deeds was purchased for commercial purpose, in my opinion, a cut of 30% would be reasonable. If 30% cut is applied thereon, the value would come out to ₹ 31,96,662/- (rounded off to ₹ 32,00,000/-) per acre. The landowners are held entitled to get compensation @ ₹ 32,00,000/- per acre for the land located beyond four acres from GT Road.

43. For the purpose of assessment of compensation for the land abutting GT Road upto the depth of four acres, in my opinion, sale deed (Ex. P63) showing sale consideration at an average price of ₹ 42,10,526/- per acre deserves to be relied upon coupled with the fact that the land abutting GT Road, where acquisition was for development as Phase-IV and notification under Section 4 of the Act was issued on 14.10.1996, this Court in RFA No. 1854 of 2002—Bhim Sain Juneja v. State of Haryana, decided by a separate judgment of even date, assessed the compensation @ ₹ 10,40,000/- per acre and there is a gap of about nine years. It is not in dispute that there had been all around development and the area had great potentiality. Accordingly, the compensation for the land upto the depth of four acres is assessed @ ₹ 42,00,000/- per acre.

44. To sum up, the landowners are held entitled to compensation @ ₹ 42,00,000/- per acre for the land abutting GT Road upto the depth of four acres and ₹ 32,00,000/- for the remaining land. They shall also be entitled to statutory benefits available to them under the Act.

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

(Rajesh Bindal)
Judge

November 03, 2015
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(Refer to Reporter)