

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

RFA No. 3120 of 2013 (O&M)
LAC No. 229 of 9.11.2011

Date of decision : 20.11.2015

Ishwar

.. Appellant

versus

State of Haryana and others

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. S. P. Khatri, Mr. Anil Dutt, Mr. Arun Singal,
Mr. R. S. Budhwar, Mr. Surender Saini and
Mr. Ashwani Kumar Bura, Advocates, for the landowners

Mr. Shivendra Swaroop, Assistant Advocate General, Haryana.

Rajesh Bindal, J.

This order will dispose of RFA Nos. 3120 to 3137, 3906 to 3908, 4098 to 4102, 4154 to 4160, 4437, 4470, 4482, 4642, 4644, 5079, 5261 to 5264, 5410, 5411, 5496 to 5505, 5591, 5679, 6195, 6364, 6373, 6518, 6648 to 6659, 6859 of **2013**, 729 to 743, 1488, 1505, 1506, 2966, 3828, 5277 of **2014**, 247, 2631 and 2632 of **2015**, as the same arise out of common acquisition.

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

Briefly, the facts are that vide notification dated 15.6.2006, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), the State of Haryana sought to acquire land situated in village Revli, Tehsil and District Sonapat, for development and utilisation thereof as residential and commercial area in Sectors 9 and 18, Sonipat. Notification under Section 6 of the Act was issued on 14.6.2007. The Land Acquisition Collector (for short, 'the Collector') vide award no.17 dated 12.6.2009 assessed the market value of the acquired land @ ₹ 45,00,000/- per acre.

Dissatisfied with the award of the Collector, the landowners filed objections. On reference, the learned court below vide award dated 31.1.2013 determined the market value of the acquired land @ ₹ 52,25,000/- per acre. This award has been impugned in the present set of appeals by the landowners.

Learned counsel for the landowners submitted that the acquired land had great potential. It was located adjoining to the already developed sectors, the land of which was earlier acquired by the State or partly had been purchased by the builders for residential and commercial use. It is located close to Sonapat City as well as NH-1. Delhi border was also not far off. Even towards Delhi, large chunk of land was acquired earlier for development as Rajiv Gandhi Education City and also for development as industrial estate and for residential purposes. The landowners had produced sale-deeds, Ex. P2 and Ex.P3, on record vide which large chunk of land was sold at an average price of ₹ 1,04,68,920/- and ₹ 1,04,46,796/- per acre respectively. Both the sale-deeds were registered on 27.4.2006, prior to issuance of notification under Section 4 of the Act on 15.6.2006. But the learned Reference Court had wrongly applied a cut of 50% thereon. It was totally uncalled for considering the area of land dealt with in the sale-deeds. The land pertaining to the sale-deeds as well as the acquired land had same potentiality.

On the other hand, learned counsel for the State submitted that the sale-deeds produced by the landowners should not be relied upon for the reason that vendees therein were builders. The transactions were over valued as the builders had to sell the plots or the flats to the prospective buyers after development. There was commercial angle. The State had produced sale-deeds, Ex. R3 to Ex.R5, and Ex.R7 to Ex. R9. The land pertaining thereto is part of the acquired land. The average sale consideration paid therein is ₹ 25,00,000/- per acre. The Collector had already awarded compensation much more than that. The aforesaid sale-deeds have been wrongly ignored by the learned Court below. It was not a case for enhancement of compensation, however, still the learned Court below having enhanced the compensation from ₹ 45,00,000/- to ₹ 52,25,000/- per acre, the State has not filed any appeal.

In response to the contention raised by learned counsel for the State, learned counsel for the landowners submitted that the genuineness of the sale-deeds, Ex.P2 and Ex.P3 was not disputed by the State even before the learned Reference Court. Reliance was placed by the learned Court below on these sale-deeds for the purpose of assessment of compensation and the State has not preferred any appeal. Hence, it is too late to raise the argument that the aforesaid sale transactions are not genuine.

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

As far as the location of the land is concerned, the same is located behind Sectors 8 and 19 which are located on NH-1. The land for development as Sectors 8 and 19 was acquired earlier vide notification dated 20.1.2003. Even adjoining to the acquired land, the land was earlier acquired for development as Sectors 3 and 5 to 7. Beyond the acquired land towards Delhi on NH-1, the land was acquired for development as Rajiv Gandhi Education City and for residential and industrial sectors. It cannot be disputed that the land had potential for urbanisation. The landowners relied upon sale-deeds, Ex.P2 and Ex.P3, the details of which are as under:-

Exhibit	Dated	Area	Amount in ₹	Price per acre in ₹
P-2	27.4.2006	6 acres 5 kanals 16 marlas	7,02,82,975/-	1,04,68,920/-
P-3	27.4.2006	10 acres 2 marlas	10,46,40,638/-	1,04,46,796/-

The land pertaining to aforesaid sale-deeds is located adjoining to the acquired land as is evident from the site plan, Ex.P1. Both the portions of land, namely, acquired land and the land pertaining to sale-deeds, Ex.P2 and Ex.P3 are having similar potential, however, the learned Court below has noticed that the land pertaining to sale-deeds, Ex.P2 and Ex.P3 have some locational advantage. As regards the issue of genuineness of the sale-deeds, Ex.P2 and Ex.P3, as is sought to be raised by learned counsel for the State is concerned, in my opinion, the same deserves to be noticed and rejected as it was not even doubted before the learned Reference Court. The average sale consideration paid in the aforesaid sale-deeds, where the vendees are builders, was ₹ 1,04,68,920/- and ₹ 1,04,46,796/- per acre respectively. The sale deeds, Ex. P2 and Ex.P3, were registered about two months prior to the date of acquisition in question, the

survey for which starts well before that and the builder may have purchased the land knowing well that the area adjoining to it is being acquired and developed. The land pertaining to these sale deeds must be connected to a road with some other facilities available on account of which the builder may have paid higher price as well as ultimately he had not to utilise the same himself, rather, sell off the same by raising construction in the form of commercial establishments or residential apartments having large FAR area as compared to the size of the land. The area dealt with in the aforesaid sale deeds was about 7 acres and 10 acres respectively, whereas the total acquired land was 108.44 acres. The learned Court below while considering all the aspects had already assessed the compensation by applying a cut of 50% on the sale consideration shown in the aforesaid sale-deeds, which, in my opinion, does not call for any interference of this Court.

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

20.11.2015
vs

(Rajesh Bindal)
Judge

(Refer to Reporter)