IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RFA No. 1515 of 2014 (O&M)
Date of decision: December 22, 2015

Harijan Co-operative Society Ltd.

.. Appellant

v.

State of Haryana and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Akshay Bhan, Senior Advocate with
Mr. Santosh Sharma, Mr. Ankur Malik for
Mr. Y. P. Malik, Mr. Amit Kumar Jain for
Mr. S. N. Pillania, Mr. Amit Kumar Jain,
Mr. Sursh Kumar Kaushik, Mr. Suresh Ahlawat,
Mr.Vikram Singh, Mr. Rajesh Goyal,
Mr. Pritam Singh Saini, Mr. Akshay Jindal,
Mr. Munish Kumar Garg and Mr. Ved Parkash,
Advocates for the landowners.

Mr. Abhinash Jain, Assistant Advocate General, Haryana.

...

Rajesh Bindal J.

1. This order will dispose of

RFA Nos. 1515, 1516, 2546, 2548 to 2555, 2770 to 2779, 2806 to 2809, 2940 to 2946, 3084, 3085, 3111, 3120, 3121, 3591 to 3600, 3687, 3750 to 3772, 3774 to 3806, 3986, 3987, 3989, 3990, 3997 to 4003, 4263, 4264, 4307, 4402 to 4406, 4414 to 4421, 4648, 4744 to 4774, 4808 to 4810, 4836 to 4849, 5024, 5226, 5292, 5300, 5327 to 5329, 5338 to 5340, 5542, 5908 to 5913, 5980, 6068 to 6071, 6283, 6306 to 6309, 7214, 7234, 7299, 7323, 7655, 7657, 8183, 8756 to 8759, 8901 to 8904, 9005, 9063, 9702 of 2014;

RFA Nos. 314 and 809 of 2015.

2. The landowners are in appeal seeking further enhancement of compensation for the acquired land.

3. Briefly, the facts of the case are that vide notification dated 23.8.2007, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), the State of Haryana, sought to acquire land in villages Singhpura, Safidon, Rampura, Rattan Khera and Khera Khemawati, District Jind for development and utilitisation thereof as commercial and residential Sectors 7, 8 and 9, Safidon. The same was followed by notification dated 21.8.2008, issued under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector'), vide award Nos. 3, 4 and 5 dated 19.8.2010, assessed the market value of the acquired land @ ₹ 33,00,000/- per acre upto the depth of two acres on Safidon-Jind road, Safidon Bye-pass road and Gair Mumkin kind of land and @ ₹ 18,00,000/- per acre for Nehri and Chahi land. Dissatisfied with the awards of the Collector, the landowners filed objections, which were referred to the learned reference court. The learned court below dismissed the reference petitions vide award dated 17.12.2013. It is this award which is impugned by the landowners before this court.

4. Learned counsel for the landowners submitted that the acquired land in the case in hand was located in the heart of Safidon city, which was developing fast. Mini Secretariat, Bus Stand and Grain Market were located close to the acquired land. There were schools, colleges and other residential and commercial establishments located close to the acquired land. The sale deeds (Ex. P6 and Ex. P10), which are the most relevant piece of evidence, have been totally ignored. The land pertaining to sale deed (Ex. P6) was located close to the acquired land, whereas the land pertaining to sale deed (Ex. P10) was forming part of the acquired land. As the land was located within the municipal limits, sale instances of small plots only were available, as big chunk of land was not being dealt with. Residents of the city were purchasing the plots for construction of houses in the area. It was further submitted that assessment of compensation by the Collector and by the Reference Court at different rates for the land located on main road and behind that was totally un-called for. The entire area was to be developed as sectors by carving out plots, which were sold at uniform rates without any distinction of rates on main road or otherwise, rather, for

residential purpose, the people do not prefer to buy plots on road on account of disturbance. It was further submitted that the calculation made by the learned court below after application of cut in paragraph 39 of the award is not correct. Further, the sale deeds (Ex.PX and Ex. PY) have been wrongly ignored. There was no material on record to opine that the entire land was agricultural at the time of acquisition. The mere fact that small plots were being sold in the area shows its potentiality. The evidence led by the State was rightly ignored and in fact, deserves to be ignored for the reason that the consideration paid in the sale deeds produced by the State was less than the award of the Collector. Further reliance was placed upon the minimum Collector's rates (Ex. PW1/1) fixed for registration of the sale deeds in the area, which was @ ₹ 8,000/- per square yard.

5. On the other hand, learned counsel for the State submitted that the Collector was quite generous in assessing the compensation in the case in hand, which was more than the market value in the area at that time. The sale deeds sought to be relied upon by the landowners were registered just with a view to create evidence for getting higher compensation as before acquisition, there is always survey and at that time the landowners in the area come to know about the acquisition proceedings and then get the sale deeds pertaining to small plots registered at higher rates with a view to create evidence. No sale deed has been referred to by the landowners, where large area of land had been dealt with. The belting system has rightly been applied by the Collector, as has been upheld by the learned court below, as value of the land abutting the main road and behind that is always different. Learned counsel further referred to sale deed (Ex. P12) produced on record by the landowners, where different rates have been mentioned for the land abutting the main road and behind that. While referring to sale deeds (Ex. PX and Ex. PY), it was submitted that in the aforesaid sale deeds, the Collector's rates have been shown as ₹ 400/- per square yard, but still the transactions were made at the rate of more than ₹ 1,000/- per square yard. The sale deeds produced on record by the State form part of the acquired land, hence, these are the best piece of evidence. Further, replying to the argument raised by learned counsel for the landowners that the Collector

had fixed rates @ ₹ 8,000/- per square yard for registration of the sale deeds in the area, it was submitted that these rates differ for different areas. ₹ 8,000/- per square yard, as is sought to be referred to, is not the rate for the entire area acquired.

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

7. As per site plan (Ex. P4) produced on record, the acquired land is shown to be located close to the Bus Stand, Mini Secretariat and Grain Market. It was not disputed that the land for Grain Market was acquired much prior in time to the acquisition of land in the present case. Schools, Colleges and residential colonies have also been shown to be located close to the acquired land. The fact that the acquired land formed part of municipal limits of Safidon was not denied. From the aforesaid facts, it can safely be concluded that the acquired land was fit for urbanisation being located close to the developed areas in the city.

8. At the time of arguments, learned counsel for the landowners sought to place reliance upon two sale deeds (Ex. P6 and Ex. P10). The land pertaining to sale deed (Ex. P6) dated 12.12.2006, whereby one kanal land was sold at an average price of ₹ 1,322/- per square yard, is located beyond the acquired land, whereas the land pertaining to sale deed (Ex. P10) dated 30.12.2005, whereby land measuring 70 square yards was sold at an average price of ₹ 1,500/- per square yard, forms part of the acquired land. Besides this, the landowners have produced on record many other sale deeds, details of which are extracted below:

Ex.	Date of Registration	Area Sold (sq. yards)	Revenue Estate	Total Sale Consideration in ₹	Average per square yard in ₹
P1	10.02.2006	80	Safidon	1,20,000/-	1,500/-
P4	12.12.2006	1K-0M	Rampura	8,00,000/-	1,322/-
PX	05.06.2006	67	Safidon	2,68,000/-	4,000/-
PY	13.12.2005	70	-do-	1,05,000/-	1,500/-
P7	05.06.2006	67	Safidon	2,68,000/-	4,000/-
P8	16.05.2006	177-1/2	-do-	1,78,000/-	1,000/-

P9	16.05.2006	200	-do-	2,00,000/-	1,000/-
P11	09.06.2006	100	-do-	1,00,000/-	1,000/-
P12	24.03.2006	120	-do-	1,20,000/-	1,500/-
P18	27.03.2006	60	Safidon	2,70,000/-	4,500/-
P9/B	09.08.2004	103	-do	2,06,000/-	2,000/-
P14/C	11.04.2007	55	-do-	1,98,000/-	2,500/-
P14/D	21.08.2003	31.6	Singhpura	48,000/-	1,500/-
P14/E	25.08.2006	100	-do-	1,40,000/-	800/-
P14/F	25.04.2000	174	-do-	2,10,000/-	200/-
P14/G	10.03.2005	67	-do-	1,82,000/-	2,000/-
P25/B	15.06.2006	212	Safidon	2,12,500/-	1,000/-
P29/B	27.03.2006	60	-do-	2,70,000/-	4,500/-
P35/B	05.06.2006	67	-do-	2,68,000/-	4,000/-
P70/B	09.04.2007	96	-do-	3,05,000/-	3,177/-
P71/B	09.04.2007	96	-do-	3,05,000/-	3,177/-
P72/B	09.04.2007	402	-do-	6,05,000/-	1,500/-
P74/B	12.01.2006	272	-do-	1,36,000/-	500/-
P75/B	15.06.2006	400	-do-	4,00,000/-	1,000/-
P76/B	17.05.2006	34	-do-	35,000/-	1,000/-
P110	18.08.2005	195	-do-	97,500/-	500/-
P111	28.05.2004	3K-5M	-do-	1,55,000/-	
P112	09.06.2006	100	-do-	1,00,000/-	1,000/-
P113	09.06.2006	50	-do-	50,000/-	1,000/-
P114	09.06.2006	50	-do-	50,000/-	1,000/-
P120/B	30.03.2006	200	-do-	1,00,000/-	500/-
P121/B	19.04.2002	126	-do-	1,26,000/-	1,000/-
P139/B	23/24.05.2006	200	-do-	2,00,000/-	1,000/-
P139/C	02/03.05.2005	80	-do-	80,000/-	1,000/-
P139/D	02/03.05.2005	180	-do-	1,80,000/-	2,250/-
P139/E	09.05.2005	240	-do-	2,40,000/-	1,000/-
P139/F	19.01.2006	440	-do-	2,20,000/-	500/-
P139/G	02/03.05.2005	80	-do-	80,000/-	1,000/-
P139/H	16.05.2006	80	-do-	1,60,000/-	2,000/-
P139/I	14.07.2005	41	-do-	62,000/-	1,500/-
P139/J	21.02.2006	160	-do-	1,60,000/-	1,000/-
P139/K	20.06.2005	130	-do-	65,000/-	500/-
P139/K/1	09.05.2005	80	-do-	80,000/-	1,000/-
P139/L	31.05.2005	80	-do-	80,000/-	1,000/-
P139/M	31.05.2005	3K-19M	-do-	4,40,000/-	

P139/N	09.05.2005	80	-do-	80,000/-	1,000/-
P139/O	03.05.2005	160	-do-	1,30,000/-	812/-
P139/P	13.04.2006	1K-19-M	-do-	3,70,000/-	
P139/Q	09.05.2005	180	-do-	1,80,000/-	1,000/-
P140	02/03.05.2005	80	-do-	80,000/-	1,000/-
P140/2	02/03.05.2005	80	-do-	1,80,000/-	2,250/-
PW229/D	27.03.2006	60	-do-	2,70,000/-	4,500/-
PW235/C	27.03.2006	60	-do-	2,70,000/-	4,500/-
PW239/C	09.12.2005	230	-do-	1,15,000/-	500/-
PW239/D	27.03.2006	60	-do-	2,70,000/-	4,500/-
PW242/B	23.03.2005 4.4.2005	230	-do-	92,000/-	400/-
P245/15	27.03.2006	60	-do-	2,70,000/-	4,500/-
PW246/E	27.03.2006	60	-do-	2,70,000/-	4,500/-
PW247/B	27.03.2006	60	-do-	2,70,000/-	4,500/-

9. The sale consideration paid in most of the sale deeds, where the area dealt with is also large as compared to the sale deeds (Ex. P6 and Ex. P10), sought to be relied upon by learned counsel for the landowners, is ₹ 1,000/- per square yard, otherwise the price ranges between ₹ 500/- and ₹ 4,500/- per square yard. A finding has been recorded by the court below that the land pertaining to all the aforesaid sale deeds is located adjacent to or in the vicinity of the acquired land. It was even so argued by learned counsel for the landowners.

10. In the light of number of sale deeds produced on record by the landowners showing the value of the land @ ₹ 1,000/- per square yard, the sale transactions (Ex. P6 and Ex. P10), which are isolated, showing higher value of the land cannot be relied upon and have rightly been ignored even by the court below. There is no error in the finding of the court below in ignoring the sale deeds (Ex. PX and Ex. PY) also, as there is a recital in those sale deeds regarding acquisition of land, which shows that those were got registered at higher prices with a view to create evidence. The Collector had already assessed the compensation of the acquired land @ ₹ 33,00,000/- per acre for the land upto the depth of two acres on Safidon-Jind Road, Safidon Bye-pass Road and Gair Mumkin land and @ ₹ 18,00,000/- per

acre for the land located behind that. If calculated @ ₹ 1,000/- per square yard, the price per acre would come out to ₹ 48,40,000/-. As the aforesaid sale transactions pertain to small plots and a cut of merely 33% is applied thereon considering the fact that these pertain to small plots, the value shall come out to ₹ 32,42,800/- per acre. As the Collector has already awarded the compensation @ ₹ 33,00,000/- per acre for the land upto the depth of two acres on Safidon-Jind road, Safidon Bye-pass road and Gair Mumkin kind of land, hence, the rate already given does not call for any interference.

11. As far as the land located beyond two acres from the road, for which compensation has been awarded @ ₹ 18,00,000/- per acre is concerned, in my opinion, that certainly deserves to be increased considering the fact that difference in the value of land abutting the road and beyond that, especially when the entire land falls within the municipal limits is not that much. There are other small link roads in between. In my opinion, a cut of 25% on the value of the land abutting the main road would be reasonable. After application thereof, the value of the land beyond two acres from the main road would come out to ₹ 24,75,000/- per acre, which the landowners are held entitled to.

12. In view of my aforesaid discussions, the award of the Collector assessing compensation @ ₹ 33,00,000/- per acre for the land upto the depth of two acres on Safidon-Jind road, Safidon Bye-pass road and Gair Mumkin kind of land is upheld and the landowners are held entitled to compensation @ ₹ 24,75,000/- per acre for the land beyond that. They shall also be entitled to all statutory benefits available to them under the Act.

13. The appeals are disposed of in the above terms.

(Rajesh Bindal)
Judge

December 22, 2015
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