

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

RFA No. 4611 of 2015 (O&M)
LAC No. RBT 264 of 2013

Date of decision : 19.11.2015

Jogi Ram and others	vs	... Appellants
S.D.O. Irrigation Department Pundri and others		... Respondents

Coram : Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Dalel Singh Nain, Advocate, for the appellants.
Mr. Arun Beniwal, Deputy Advocate General, Haryana.

Rajesh Bindal, J.

The landowners are seeking enhancement of compensation for the acquired land.

Briefly, the facts of the case are that vide notification issued on 22.2.2005, under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act'), State of Haryana sought to acquire land situated in village Fatehpur, Hadbast No.8, Tehsil and District Kaithal, for construction of Naina Shergarh Link Channel from RD 0 to 30200. It was followed by notification dated 30.3.2005 issued under Section 6 of the Act. The Land Acquisition Collector (for short, 'the Collector') vide award no.44 dated 22.3.2007 assessed compensation for the acquired land @ ₹ 5,00,000/- per acre. Dissatisfied with 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 25.3.2015, assessed the compensation for the acquired land @ 11,40,000/- per acre. It is this award which has been impugned before this court by the landowners in the present appeal.

Learned counsel for the land owners submitted that the Court below has failed to assess just and fair compensation considering the location of the land. It has not considered the potential value of the acquired

land. It was submitted that the court below has not granted compensation to the landowners as per the prevailing market value of the land which was more than ₹ 30,00,000/- per acre in the area. However, the learned court below has not considered these facts while assessing the compensation.

On the other hand, learned State counsel submitted that just and fair compensation had been awarded by the Collector, however, the learned court below increased the compensation without any basis. The landowners have not placed on record any evidence in the form of sale-deed or site plan showing the location of the acquired land. The prayer is for dismissal of appeal.

Heard learned counsel for the parties and perused the paper-book.

It is not disputed by learned counsel for the appellants that no documentary evidence in the form of sale-deed was brought on record by the landowners which could justify any further increase. The landowners had produced only oral evidence to show the value of the acquired land, which cannot be relied in isolation for assessment of value of the acquired land. In the absence of any documentary evidence in the form of sale instances, the learned court below has assessed just and fair compensation for the acquired land. The same does not call for any interference by this court. This Court in RFA No. 1714 of 2009 State of Haryana and another vs Pala Ram and others, decided on 1.5.2012 had upheld the award of the learned Court below assessing compensation @ ₹ 11,40,000/- per acre for the land pertaining to same village acquired for construction of BML Hansi Bhutana Multipurpose Link Channel vide notification dated 23.8.2005.

Accordingly for the reasons mentioned above, the appeal is dismissed.

19.11.2015
vs.

(Rajesh Bindal)
Judge