

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Date of Decision : 25.07.2016.  
RFA No.1106 of 1996

Moti  
Versus  
Haryana State and others  
.....Appellant  
..... Respondents

2<sup>nd</sup>  
RFA No.1107 of 1996

Umar Singh  
Versus  
Haryana State and others  
.....Appellant  
..... Respondents

3<sup>rd</sup>  
RFA No.1108 of 1996

Zila Singh  
Versus  
Haryana State and others  
.....Appellant  
..... Respondents

4<sup>th</sup>  
RFA No.1109 of 1996

Barhma  
Versus  
Haryana State and others  
.....Appellant  
..... Respondents

5<sup>th</sup>

**RFA No.1110 of 1996**

**Gaje Singh**

**.....Appellant**

**Versus**

**Haryana State and others**

**..... Respondents**

6<sup>th</sup>

**RFA No.1111 of 1996**

**Prithi Singh**

**.....Appellant**

**Versus**

**Haryana State and others**

**..... Respondents**

7<sup>th</sup>

**RFA No.1112 of 1996**

**Ram Singh**

**.....Appellant**

**Versus**

**Haryana State and others**

**..... Respondents**

**CORAM : HON'BLE MR.JUSTICE ARUN PALLI**

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not? Yes
3. Whether the judgment should be reported in the digest?

Present : Mr. Sumeet Sheokand, Advocate  
Mr. R.S.Tacoria, Advocate for the appellant  
(in all cases).

Mr. Shivendra Swaroop, AAG, Haryana.

**ARUN PALLI, J. (Oral)**

This order shall decide a bunch of seven appeals, for, these arise out of the same acquisition, and the issue involved for consideration is common.

Facts that are required to be noticed are limited.

Vide notification dated 3.02.1987, published in the Haryana Government Gazette on 17.02.1987, under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act'), land measuring 5.77 acres, in the revenue estate of village Nara, Hadbast No.6, Tehsil Panipat, then District Karnal, was sought to be acquired for construction of Panipat Assandh Road to Nara Joshi-Ahmadpur Road. Declaration under Section 6 was published on 24.03.1987. Collector vide award No.32, dated 1.2.1988, assessed the market value of the land that was chahi-nehri at ₹35,000/- per acre, and ₹18,000/- per acre for *gair mumkin*. Land owners were also awarded the statutory benefits, as were admissible in law. Being aggrieved by the assessment of compensation by the Collector, objections under Section 18 of the Act, were filed by the land owners, requiring the Collector to refer the matter, to the Civil Court. However, the reference Court, vide its award dated 31.01.1996, affirmed the rate at which compensation was awarded by the Collector, and consequently, dismissed the reference petitions. That is how, landowners are before this Court. For, the reference Court answered the reference against the landowners, there was no occasion for the State to assail the award dated 31.01.1996.

Learned counsel for the appellant(s) submits that the land owners, in support of their claims, had relied upon a sale deed dated

26.07.1985 (Ex.PA), vide which land situated in the same revenue estate; Nara, was sold at ₹90,000/- per acre, and even though, the notification under Section 4, in the present case, was issued almost a year and half later, still the claimants were awarded compensation at ₹35,000/- per acre, for the land that was Chahi-Nehri, and ₹18,000/- per acre, for *gair mumkin*. Particularly, when, the acquired land was located at a distance of two killas from the land that was the subject matter of sale deed, dated 26.07.1985 (Ex.PA). Thus, he submits that the appellant(s) are entitled to suitable enhancement in the compensation.

As opposed to this, Mr. Shivendra Swaroop, AAG, Haryana, contends that the sale deed, dated 26.07.1985 (Ex.PA), could not be relied upon, for what was sold vide the said sale deed was a small piece of land in the form of a *Bara*. (out house), whereas, the acquired land was, concededly, being used for agricultural purposes. Secondly, he submits that respondents had relied upon two sale instances Ex.RB, and Ex.RC, from the same revenue estate, and the land that was sold vide, those, two documents, in the year 1984-85, was located adjacent to the acquired land. And, sale deed Ex.RB, dated 4.9.1984, shows that an area measuring 5 kanal 15 marla was sold at ₹14,000/- which means at the rate of ₹19,480/- per acre. Whereas, vide sale deed Ex.RC, dated 21.05.1985, the land measuring 16 marla was sold at ₹5,00/- which means at the rate of ₹5,000/- per acre. Thus, he submits that even though the notification, under Section 4 of the Act, in the case was issued in February 1987, but still by no stretch of imagination the land owners could claim compensation at the rate of

₹90,000/- per acre, for there was no evidence.

I have heard learned counsel for the parties and perused the records.

Concededly, the acquired land formed part of a revenue estate of village Nara and was being used for agricultural purposes. All what the appellant(s) have relied upon is the sale deed dated 26.07.1985, (Ex.PA) vide which a land measuring 8 marla, though situated in the same revenue estate, was sold at ₹90,000/- per acre. Significantly, Gaje Singh (PW1), one of the appellant/landowner admitted in his cross-examination that the land that was sold vide sale deed (Ex.PA) was, indeed, being used as Bara (out house), used for tethering cattle and/or storing fodder or manure. Further the said Bara adjoined the circular road of the village, which showed it was situated extremely close to the *abadi deh* of the village.

That being so, the sale deed dated 26.07.1985 (Ex.PA), being of a smaller area, diverse in nature and, its usage, situated near the *abadi deh* of the village could never be termed as a comparable sale instance for determining the true market value of the acquired land. Besides this, no cogent or credible material was brought on record to show that the market value of the land, at the relevant time, was ₹90,000/- per acre or even more than what was awarded by the Collector. Rather, the sale deed (Ex.RB), dated 4.9.1984, vide which a piece of land, that abuts the acquired land, was sold at ₹19,480/- per acre. Likewise, vide sale deed dated 21.05.1985 (Ex.RC), land adjacent to the acquired land was sold at ₹5,000/- per acre. No doubt, these two sale deeds, *per se* could not be the basis to award

compensation, for these were executed couple of years prior to the notification under Section 4, and the sale consideration for which these sites, were sold was far too less than the rate at which compensation was awarded by the Collector. But, still these two sale instances could always be factored in to assess the true market value of the acquired land. An analysis of these two sale deeds, and in the absence of any evidence to the contrary, its apparent that the market value of the acquired land could never escalate to ₹90,000/- per acre in a time difference of two years. Thus, the only and the inevitable conclusion the reference Court could reach was to affirm the award rendered by the Collector.

In conspectus of the position as sketched out above, no interference is warranted in the award rendered by the reference Court. The appeals being devoid of merits are, accordingly, dismissed.

25.07.2016

*Manoj Bhutani***(ARUN PALLI)**  
**JUDGE**

Whether speaking/reasoned/non-speaking

Whether reportable: Yes/No