

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

**RFA No. 1963 of 2008 (O&M)
Date of decision: 19.1.2016**

Rajender Parshad Mittal

.. Appellants

Vs.

State of Haryana and others

... Respondent

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Shailendra Jain, Sr. Advocate with
Mr. Gaurav Aggarwal, Advocate
for the appellants in RFA No. 1961 to 1963 of 2008 and
for the respondents in RFA Nos. 379 to 381 of 2008.

Mr. S.S. Duhan, Advocate
for the appellants in
RFA No. 379 to 381 of 2008.

Mr. Arun Beniwal, DAG, Haryana.

Mr. Naveen Gupta, Advocate
for respondents-Marketing Board
in RFA No. 1961 to 1963 of 2008.

1. Whether reporters of local papers may be allowed to see the judgment? YES/NO
2. To be referred to the reporters or not? YES/NO
3. Whether the judgment should be reported in the digest? YES/NO

RAMESHWAR SINGH MALIK, J. (Oral)

This bunch of six regular first appeals arising out of the
same acquisition, out of which three have been filed by the land

owners bearing RFA No. 1961 to 1963 to 2008 and three have been filed by the beneficiary-department, i.e. Haryana State Agricultural Marketing Board ('the Board' for short) bearing RFA No. 379 to 381 of 2008, are being decided together vide this common order, as this batch of appeals raises identical questions of law and facts. However, for the facility of reference, facts are being culled out from RFA No. 1963 of 2008 (Rajender Parshad Vs. State of Haryana and others).

Briefly put, facts necessary for disposal of these cases, are that State of Haryana sought to acquire land measuring 25 kanals 19 marlas out of khasra No. 148, situated within the revenue estate of village Khara Barwala, Hadbast No. 33, Tehsil Adampur, District Hisar, at public expenses for public purpose, i.e. for construction of weigh bridge. Notification under Section 4 of the Land Acquisition Act, 1894 ('the Act' for short) was issued on 10.11.1999 which was followed by notification dated 28.4.2000 under Section 6 of the Act. The Land Acquisition Collector, vide his award No.1 dated 7.12.2001, granted compensation @ ₹5 lacs per acre for the acquired land. Dissatisfied, landowners filed their petitions under Section 18 of the Act and as a consequence thereof, three references were referred to the learned reference court, who decided the same vide common impugned award dated 19.9.2007, enhancing the compensation @ ₹900 per square yard.

Feeling aggrieved against the impugned award passed by the learned reference court, the landowners approached this Court

by way of three appeals seeking further enhancement whereas the Board has filed three appeals seeking reduction in compensation. That is how, all these six appeals are being decided together.

Having heard the learned counsel for the parties at considerable length, after careful perusal of record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that all these six appeals, being misconceived and bereft of merit, are liable to be dismissed. To say so, reasons are more than one, which are being recorded hereinafter.

So far as the sale instances in the form of Ex.R-1 and R-2, produced before the learned reference court by the Board, are concerned, these were admittedly post acquisition. The learned reference court has been found well justified on facts as well as in law in ignoring these sale deeds. This is not even the argued case on behalf of the Board that these sale deeds could have been made basis for assessing the market value and rightly so, these being post acquisition.

Coming to the evidence led by the landowners, there were three sale instances which have been made basis by the learned reference court for assessing the market value of the acquired land. These sale deeds are Ex.P-14 dated 13.10.1999, Ex.P-15 dated 27.10.1999 and Ex.P-16 dated 3.11.1999. Learned counsel for the Board has been found well justified in contending that since all these sale deeds were pertaining to constructed shops, the same could not have been made the basis for assessing the market value of the

acquired land. However, taking into consideration the location and potentiality of the acquired land, as the site plan Ex.P-3 and P-4 have gone unrebutted, learned reference court was well within its jurisdiction, while assessing just and reasonable market value for the acquired land, i.e. ₹900 per sq. yard.

At this stage, this Court would hasten to add that had these three sale deeds, i.e. Ex.P14 to Ex.P16, been pertaining to the vacant land, the same could have been made basis for assessing the market value of the acquired land for the purpose of further enhancement thereof. However, since no other relevant piece of evidence is available on record either in favour of the landowners or in favour of the Board, neither there is any scope for reduction of the amount of compensation already granted in favour of the landowners by the learned reference court, nor there is even the remotest scope for enhancement thereof.

It is so said because the learned reference court was well justified on facts as well as in law, while assessing the market value of the acquired land @ ₹900 per sq. yards because of its location and commercial nature. Since learned reference court has already taken into consideration all the relevant and positive determinative factors into consideration, while assessing the market value of the acquired land, there is no scope of any further enhancement. In this view of the matter, it can be safely concluded that no interference is called for, at the hands of this Court, in the impugned award passed by the learned reference court and the same deserve to be upheld,

for this reason also.

No other argument was raised.

Considering the peculiar facts and circumstances of the case, coupled with the reasons aforementioned, this Court is of the considered view that all the six appeals filed by the Board as well as by the landowners, having been found wholly misconceived, bereft of merits and without any substance, must fail and the same are hereby dismissed.

Resultantly, with the abovesaid observations made, all these six appeals stand disposed of, however, with no order as to costs.

**(RAMESHWAR SINGH MALIK)
JUDGE**

19.1.2016
AK Sharma