

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

**RFA No. 1939 of 2011 (O&M)
Date of decision: 27.1.2016**

State of Haryana and others

.. Appellants

Vs.

Adiya and others

... Respondents

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Arun Beniwal, DAG, Haryana
for the appellants.

None for the respondents.

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)

These 34 regular first appeals filed by the State of Haryana, bearing RFA Nos. 1939 to 1958 of 2011, 7088 to 7100 of 2011 and 7082 of 2011, 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. 1939 of 2011 (State of Haryana and others Vs. Adiya and others).

Facts are hardly in dispute. State of Haryana sought to acquire 19.95 acres of land from the revenue estate of Rajound Town, District Kaithal, at public expenses for public purpose, i.e. for construction of Rajound Minor. Notification dated 22.3.2007 under

Section 4 of the Land Acquisition Act, 1894 ('the Act' for short) came to be issued, which was followed by notification dated 31.5.2007 under Section 6 of the Act. Vide his award No. 39 dated 16.7.2009, the Land Acquisition Collector granted the compensation to the land owners @ ₹8 lacs per acre. The landowners felt dissatisfied and filed their petitions under Section 18 of the Act. As a consequence, as many as 20 land references were forwarded to the learned reference court, who decided the same vide common award dated 4.1.2011. Thereafter, 13 more land references were decided vide a separate common award dated 2.2.2011. The land reference court granted the compensation to the landowners @ ₹12 lacs per acre and ₹50,000/- per acre was granted on account of severance charges.

Feeling aggrieved against the impugned awards passed by the learned reference court, State of Haryana has approached this Court by way of these appeals, seeking reduction in the compensation granted to the landowners. That is how, all these 34 appeals are being decided together.

The only argument raised in these appeals is that the policy framed by the State Government, available in the form of Ex.R5, ought to have been made the basis for assessing the market value. He also places reliance on the judgment of this Court in State of Haryana and another Vs. Pala Ram and others, 2013 (4) RCR (civil) 165, to contend that the policy framed by the State Government ought not have been ignored by the learned reference court and the compensation awarded to the landowners by the land Acquisition

Collector was appropriate. He prays for setting aside the impugned awards, by allowing this bunch of appeals.

Having heard the learned counsel for the State at considerable length, after careful perusal of record of the cases and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that keeping in view the totality of facts and circumstances of the cases, all these appeals are bereft of merit and the same are liable to be dismissed. To say so, reasons are more than one, which are being recorded hereinafter.

A bare perusal of the impugned awards would show that learned reference court has committed no error of law while passing the impugned awards, thereby granting an amount of ₹12 lacs per acre as compensation to the land owners, for their acquired land. So far as the policy framed by the State Government, which is available at page 217 of the lower court record ('LCR' for short), is concerned, it is not in dispute. However, learned counsel for the State could not point out any judicial precedent or statutory provision to show that the policy framed was having any binding force for the learned reference court, while assessing the market value for the acquired land.

Coming to the judgment relied upon by the learned counsel for the State in Pala Ram's case (supra), there is no dispute about the observations made therein. However, a close perusal of the cited judgment shows that it is of no help to the State, in the present set of cases, being distinguishable on facts. It is the settled principle of law that peculiar facts of each case are to be examined, considered and

appreciated first, before applying any codified or judgemade law thereto. Sometimes, difference of one circumstance or additional fact can make the world of difference, as held by the Hon'ble Supreme Court in **Padmausundara Rao and another Vs. State of Tamil Nadu and others, 2002 (3) SCC 533.**

Coming to the evidence relied upon by the learned reference court in para 20 and 23 of the impugned award, the sale deed Ex.PW4/A was rightly found to be a relevant piece of evidence. Vide this sale deed No. 1080 dated 23.3.2007, the land measuring 4 kanals was sold for an amount of ₹15 lacs @ ₹30 lacs per acre. Although the exact location of the land sold and the acquired land could not be clarified by the landowners, yet the learned reference court thought it appropriate to apply a cut of 60% on the market value, which prima facie seems to be on very higher side. Having said that, this Court feels no hesitation to conclude that the learned court below committed no error of law, while passing the impugned award and the same deserves to be upheld, for this reason also.

Keeping in view the peculiar facts and circumstances of the cases noticed hereinabove, the learned reference court has been found well within its jurisdiction, while assessing the market value @ ₹12 lacs per acre, which was not at all on higher side. There was cogent and convincing evidence available on record to support the findings recorded by the learned reference court. In such a situation, it can be safely concluded that the learned reference court has proceeded on a factually correct and legally justified approach, while

passing the impugned award and the same deserves to be upheld for this reason as well.

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 these appeals are wholly misconceived, bereft of merit and without any substance, thus, these must fail and the same are hereby dismissed. No case for interference has been made out.

Resultantly, with the observations made above, all these 34 appeals stand dismissed, however, with no order as to costs.

**(RAMESHWAR SINGH MALIK)
JUDGE**

27.1.2016
AK Sharma