

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

**Date of Decision : 08.12.2017
RFA No.427 of 1995**

**Haryana State, through Collector, Gurugram and another
.....Appellants
Versus**

**Ram Sarup (died) through his LRs and others
..... Respondents**

2 RFA No.463 of 1995

**Haryana State, through Collector, Gurugram and another
.....Appellants
Versus**

**Hari Singh (died) through his LRs and others
..... Respondents**

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Ms. Safia Gupta, AAG, Haryana.
None for the respondents.

ARUN PALLI, J. (Oral)

Vide this order and judgment I shall decide these two appeals that have been preferred by the State of Haryana. For, both these appeals arise out of the same acquisition, and have been filed against a common award dated 13.03.1992, these are being disposed of by a common judgment.

Vide notification dated 25.05.1987, issued under Section 4 of the Land Acquisition Act, 1894, (for short 'the Act') a land situated in the revenue estate of village Dhanwapur (H.B. No.51), Tehsil and District Gurugram, was sought to be acquired for development and utilization of land for construction of treatment/disposal work at Gurugram. The final

declaration under Section 6 was published on 29.10.1987. Vide award No.14 dated 12.01.1988, the Land Acquisition Collector assessed the market value of the acquired land categorized as *chahi* and *banjar jadid* at Rs.60,000/- per acre and *gair mumkin* at Rs.25,000/- per acre. Being aggrieved by the assessment as also the compensation awarded, the claimant/landowners filed objections under Section 18 to the award rendered by the Collector. Resultantly, the dispute was referred to the Civil Court for determination of the true value of the acquired land. On a consideration of the matter in issue and the evidence on record, the reference Court enhanced the compensation awarded to the claimants to Rs.78 per square yard. That is how, as indicated above, the State is in appeal before this Court.

Ex facie, all what forms basis of the assessment or the enhancement awarded by the reference Court is the sale deed, dated 24.12.1986 (Ex.P6), vide which, an area measuring 7 marlas, that too formed part of the same village i.e. Dhanwapur was alienated @ Rs.117 per square yard. The bonafides of the said transactions were neither in issue before the reference Court nor in the present proceedings. Significantly, the State had failed to lead any cogent evidence in rebuttal or germane to the acquisition. Further, the site plan Ex.P9 proved that the acquired land was situated in close proximity to the land sold vide sale deed Ex.P6. It is not the case of the State either that the site sold vide sale deed Ex.P6 was dissimilar in nature, potential and value to the acquired land. However, owing to the smallness of the area, sold vide Ex.P6, the reference Court had caused 1/3rd deduction. Accordingly, the acquired land was assessed at

Rs.78 per square yard. In fact what further transpires from the record is that vide another notification dated 7.12.1988, another chunk of land was acquired from the same village. And, the reference Court vide award dated 14.10.1992, while relying upon its earlier award i.e. 13.03.1992 (under challenge in these appeals), had awarded compensation at the same rate i.e. Rs.78/- per square yard. Further, in the appeals preferred by the State against the subsequent award dated 7.12.1988, this Court, vide order and judgment dated 20.08.2014, rendered in RFA No.206 of 1993 (State of Haryana Vs. Ram Chander) and other connected matters, had affirmed the assessment as also the award dated 7.12.1988. In fact, the order passed by this Court also shows that in a yet another acquisition, in relation to a notification dated 8.3.1989, the reference Court had assessed the land situated in the same village @ Rs.150/- per square yard. And, the said assessment was affirmed by this Court, vide order and judgment dated 7.4.2010, rendered in RFA No.1494 of 1997 (Haryana State Vs. Kalu Ram). Even otherwise, learned State counsel could not show or point out as to how the conclusion arrived at by the reference Court was either contrary to the record or suffered from any material illegality. That being so, the only and the inevitable conclusion one could reach; the appeals at hands are devoid of merit and are accordingly dismissed.

08.12.2017

*Manoj Bhutani***(ARUN PALLI)**
JUDGEWhether speaking/reasoned
Whether reportableYes/No
Yes/No