

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

1. RFA No.3810 of 2001(O&M)
Date of decision: 19.12.2017
- State of Haryana and another
Puran
- ... Appellants
- Versus
- ... Respondent
2. RFA No.3811 of 2001(O&M)
- State of Haryana and another
Tahal Ram
- ... Appellants
- Versus
- ... Respondent
3. RFA No.3812 of 2001(O&M)
- State of Haryana and another
Jai Gopal
- ... Appellants
- Versus
- ... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Sudeep Mahajan, Addl. AG, Haryana,
for the appellants.

ARUN PALLI, J. (Oral)

Vide this order and judgment, I shall decide 03 appeals that have been preferred by the State of Haryana. For, all these appeals arise out of the same acquisition, and have been filed against a common award dated 01.05.2001, these are being disposed of by a common judgment. However, the facts are being culled from RFA No.3810 of 2001 [**State of Haryana and another v. Puran**].

Vide notification dated 17.03.1972 (published on 11.04.1972), issued under Section 4 of the Land Acquisition Act 1894, a land situated in village Sayed Shahpur (Hadbast No.24), Tehsil Pataudi, District Gurgaon (now Gurugram), was sought to be acquired for construction of approach road from Telpuri to Lochab in Gurgaon District. The final declaration under Section 6 was published on 11.03.1974. Vide award No.24-G, dated 11.09.1980, the Land Acquisition Collector assessed the market value of the land categorized as Chahi @ ₹ 6,000/- per acre, Barani/Gair Mumkin Khad @ ₹ 4,000/- per acre and Bhud @ ₹ 3,000/- 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. Consequently, the dispute between the parties was referred to the Civil Court for determination of the true value of the acquired land. The Reference Court, vide impugned award, enhanced the compensation as regards the land classified as Chahi to ₹ 10,000/- per acre, Gair Mumkin @ ₹ 8,000/- per acre and Budh to ₹ 6,000/- per acre. That is how, as indicated above, the State is in appeal before this Court.

Ex facie, all what forms basis of the enhancement awarded by the Reference Court is award No.26-G, dated 11.09.1980 (Ex.P2), rendered by the Land Acquisition Collector, vide which the land situated in the same village i.e. Sayed Shahpur, was assessed as regards notification dated 04.04.1972, published on 25.04.1972, @ ₹ 10,000/- per acre (Chahi), ₹ 8,000/- per acre (Gair Mumkin Gait) and Budh @ ₹ 6,000/- per acre. For the time difference between the two notifications issued under Section 4 in the present proceedings as also in the relied upon proceedings was barely 14 days, and the land under acquisition in both the cases formed part of the

same revenue estate, the Reference Court awarded the same compensation as was awarded to the claimant-landowners pursuant to an award Ex.P2. Particularly when both the awards i.e. 24-G dated 11.09.1980 and 26-G dated 11.09.1980, were rendered by the same authority on the same date. Not just that, nothing was brought on record to show as to how, if for the land situated in the same village the claimant-landowners were awarded compensation in terms of the award Ex.P2, then how could the acquired land in the present proceedings be assessed at a lower rate. Particularly when this was not the case of the State at any stage that the land acquired vide award Ex.P2 was dissimilar in nature, quality and value to the acquired land. Nothing could be shown as to how the conclusion arrived at by the Reference Court was contrary to the record or suffered from any material illegality. Thus, the only and the inevitable conclusion that could be reached; the present appeals are wholly devoid of merit.

In conspectus of the above, the appeals are dismissed.

19.12.2017
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES
NO