

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

CWP No. 7174 of 2016 (O&M)

Date of decision: 31.1.2017

Smt. Satto Bai

.. Petitioner

VS

Union of India and others

..Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Harinder Singh Sidhu**

Present: Mr. S.S. Sahu, Advocate, for the petitioner(s).
Mr. Udit Garg, Advocate, for Union of India.
Mr. Ankur Mittal, Additional Advocate General, Haryana.
Mr. Aman Arora, Advocate, for respondents No.4 and 5.

Rajesh Bindal, J.

This order will dispose of four petitions bearing CWP Nos.7174, 7200, 7205 and 7206 of 2016 as common questions of law and facts are involved therein. However, the facts have been taken from CWP No.7174 of 2016.

Briefly, the facts of the case are that Government of India, Ministry of Petroleum & Natural Gas, New Delhi, issued notification under Section 6(1) of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (for short, 'the Act'), on 23.3.2009, for acquiring right of user for lying pipelines for Mundra-Delhi Pipeline project of Hindustan Petroleum Corporation Limited. The competent authority, vide awards dated 27.1.2010 and 22.2.2010 assessed the market value of the land. Dissatisfied with the awards of the competent authority, the

landowners filed applications before the learned Additional District Judge, who vide award dated 17.7.2013 assessed the market value of the acquired land @ ₹ 15,00,000/- per acre. It is this award which has been impugned in the present set of petitions by the landowners.

Learned counsel for the petitioner submitted that though other sale deeds produced by the petitioners for assessment of compensation were discarded by the learned court below, however, sale deed Ex.P-6 dated 11.6.2009, which though has been relied upon but compensation has not been paid in terms thereof. The location and relevance of sale deed Ex.P-6 was not disputed. The buyer in the aforesaid sale was M/s Hindustan Petroleum Corporation Limited. It was registered merely 2½ months after the acquisition. The average sale consideration paid therein was ₹ 18,00,000/- per acre. There was no evidence led by the respondents that the price of the land in the area increased exorbitantly during this 2½ months. Hence, the petitioner deserves to be granted compensation while assessing value of the land @ ₹ 18,00,000/- per acre as against ₹ 15,00,000/- per acre assessed by the learned court below.

On the other hand learned counsel for respondents No.4 and 5 submitted that no doubt the learned court below has relied upon sale deed Ex.P-6, however, deduction from the sale consideration paid therein has rightly been made for the reason that it was executed 2½ months after the acquisition of land. For that time gap certain deduction was required to be made. There is no error in the award of the learned court below.

Heard learned counsel for the parties and perused the paper book.

Though the petitioner had produced three sale deeds on record to substantiate the value of the acquired land but sale deeds Ex.P-7 and Ex.P-8 have rightly been discarded by the learned court below as those were registered much after the acquisition of land. Relevance of sale deed Ex.P-6, which has been relied upon by the learned court below for the purpose of assessment of compensation, is not in dispute, as the respondents have not challenged the award of the learned court below. The only issue is as to whether the amount as mentioned in sale deed Ex.P-6 is to be taken as value of the acquired land or any cut has to be applied. No doubt sale deed Ex.P-6 has been registered 2½ months after the acquisition of land but the fact cannot be lost sight off that buyer therein is Hindustan Petroleum Corporation Limited, namely, respondent No.4. Location of the land for the purpose of relevance of sale deed is also not in dispute. The average sale consideration paid in the aforesaid sale deed was ₹ 18,00,000/- per acre. The learned court below for the purpose of assessment of compensation has reduced ₹ 3,00,000/- per acre therefrom for the time gap of 2½ months. For the assessment of compensation, in our view, that deduction was totally uncalled for. It is for the reason that there is no evidence led on record by the respondents that prices of the land in the area increased to that extent within short span of 2½ months. Accordingly, in our view the value of the land should have been taken as ₹ 18,00,000/- per acre and compensation be paid to the petitioner(s) accordingly.

For the reasons mentioned above, the writ petitions are allowed. The award of the learned court below is modified to the extent that the market value of the acquired land is determined @ ₹ 18,00,000/- per

acre as against ₹ 15,00,000/- per acre determined by the learned court below. The landowners shall be entitled to compensation and any other benefits in terms of the provisions of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962.

(Rajesh Bindal)
Judge

(Harinder Singh Sidhu)
Judge

31.1.2017
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No