

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision : 08.02.2017.
RFA No.3406 of 2011

SONA DEI AND OTHERS

.....Appellants

Versus

STATE OF HARYANA AND OTHERS

..... Respondents

2.

RFA No.3702-2011

JAGBIR @ JAGBIR SINGH

.... Appellant(s)

Versus

STATE OF HARYANA & OTHERS

....Respondent(s)

3

RFA No.4158-2011

LACHHMI AND OTHERS

.... Appellant(s)

Versus

STATE OF HARYANA & OTHERS

....Respondent(s)

4

RFA No.1190-2012

JAI KANWAR AND OTHERS

.... Appellant(s)

Versus

STATE OF HARYANA & OTHERS

....Respondent(s)

5

RFA No.6175-2013

BALDEV RAJ AND OTHERS

Versus

STATE OF HARYANA & OTHERS

.... Appellant(s)

....Respondent(s)

6

RFA No.6660-2013

RANBIR AND OTHERS

Versus

STATE OF HARYANA & OTHERS

.... Appellant(s)

....Respondent(s)

7

RFA No.3387-2014

RAM KUMAR & OTHERS

Versus

STATE OF HARYANA & OTHERS

.... Appellant(s)

....Respondent(s)

8

RFA No.8822-2014

RAN SINGH AND OTHERS

Versus

STATE OF HARYANA & OTHERS

.... Appellant(s)

....Respondent(s)

9

RFA No.4561-2015

BALDEV SINGH SINCE DECEASED THROUGH LRS

Versus

STATE OF HARYANA & OTHERS

.... Appellant(s)

....Respondent(s)

10

RFA No.5221-2011

BIJENDER SINGH

.... Appellant(s)

Versus

STATE OF HARYANA & OTHERS

....Respondent(s)

11

RFA No.5222-2011

RAM PHAL AND OTHERS

.... Appellant(s)

Versus

STATE OF HARYANA & OTHERS

....Respondent(s)

12

RFA No.5223-2011

SAME SINGH

.... Appellant(s)

Versus

STATE OF HARYANA & OTHERS

....Respondent(s)

13

RFA No.5224-2011

MOHAN AND OTHERS

.... Appellant(s)

Versus

STATE OF HARYANA & OTHERS

....Respondent(s)

14

RFA No.5225-2011

RAM KUMAR

.... Appellant(s)

Versus

STATE OF HARYANA & OTHERS

....Respondent(s)

15

RFA No.5226-2011

SAT NARAIN AND OTHERS

.... Appellant(s)

Versus

STATE OF HARYANA & OTHERS

....Respondent(s)

16

RFA No.5227-2011

RAM NARAIN AND ANOTHER

.... Appellant(s)

Versus

STATE OF HARYANA & OTHERS

....Respondent(s)

17

RFA No.5876-2011

ANAND

.... Appellant(s)

Versus

STATE OF HARYANA & OTHERS

....Respondent(s)

18

RFA No.5877-2011

RAJ SINGH & OTHERS

.... Appellant(s)

Versus

STATE OF HARYANA & OTHERS

....Respondent(s)

19

RFA No.5878-2011

ZILE SINGH & ANR.

.... Appellant(s)

Versus

STATE OF HARYANA & OTHERS

....Respondent(s)

20

RFA No.7130-2011

RAJ KUMAR AND OTHERS

.... Appellant(s)

Versus

STATE OF HARYANA & OTHERS

....Respondent(s)

21

RFA No.7140-2011

PARDEEP SINGH AND ANOTHER

.... Appellant(s)

Versus

STATE OF HARYANA & OTHERS

....Respondent(s)

22

RFA No.7169-2011

BRAHAMJEET & OTHERS

.... Appellant(s)

Versus

STATE OF HARYANA & OTHERS

....Respondent(s)

23

RFA No.7170-2011

ANIL KUMAR & ANR.

.... Appellant(s)

Versus

STATE OF HARYANA & OTHERS

....Respondent(s)

24

RFA No.7899-2011

BANI SINGH AND OTHERS

.... Appellant(s)

Versus

STATE OF HARYANA & OTHERS

....Respondent(s)

25

RFA No.282-2012

SURESH KUMAR

.... Appellant(s)

Versus

STATE OF HARYANA & OTHERS

....Respondent(s)

26

RFA No.3287-2012

SMT. GIANO

.... Appellant(s)

Versus

STATE OF HARYANA & OTHERS

....Respondent(s)

27

RFA No.5838-2012

HSIDC (NOW HSIIDC) AND OTHERS

.... Appellant(s)

Versus

BIJENDER SINGH

....Respondent(s)

28

RFA No.5839-2012

HSIDC (NOW HSIIDC) & OTHERS

.... Appellant(s)

Versus

RAJ SINGH & OTHERS

....Respondent(s)

29

RFA No.5840-2012

HSIDC (NOW HSIIDC) & OTHERS

.... Appellant(s)

Versus

BRAHAMJEET & OTHERS

....Respondent(s)

30

HSIDC (NOW HSIIDC) AND OTHERS

Versus
GIANO

RFA No.5841-2012

.... Appellant(s)

....Respondent(s)

31

HSIDC (NOW HSIIDC) AND OTHERS

Versus
RAM KUMAR

RFA No.5842-2012

.... Appellant(s)

....Respondent(s)

32

HSIDC (NOW HSIIDC) & OTHERS

Versus

ANIL KUMAR & ANOTHER

RFA No.5843-2012

.... Appellant(s)

....Respondent(s)

33

HSIDC (NOW HSIIDC) & OTHERS

Versus

ZILE SINGH & ANOTHER

RFA No.5844-2012

.... Appellant(s)

....Respondent(s)

34

HSIDC (NOW HSIIDC) & OTHERS

Versus
ANAND

RFA No.5845-2012

.... Appellant(s)

....Respondent(s)

35

HSIDC (NOW HSIIDC) & OTHERS

Versus

SAME SINGH

RFA No.5846-2012

.... Appellant(s)

....Respondent(s)

36

HSIDC (NOW HSIIDC) & OTHERS

Versus

PARDEEP SINGH & OTHERS

RFA No.5847-2012

.... Appellant(s)

....Respondent(s)

37

HSIDC (NOW HSIIDC) & OTHERS

Versus

SAT NARAIN & OTHERS

RFA No.5848-2012

.... Appellant(s)

....Respondent(s)

38

HSIDC (NOW HSIIDC) & OTHERS

Versus

UMED SINGH & OTHERS

RFA No.5849-2012

.... Appellant(s)

....Respondent(s)

39

HSIDC (NOW HSIIDC) & OTHERS

Versus

BALBIR

RFA No.5850-2012

.... Appellant(s)

....Respondent(s)

40

RFA No.5851-2012

HSIDC (NOW HSIIDC) & OTHERS

.... Appellant(s)

Versus

SAT NARAIN & ANOTHER

....Respondent(s)

41

RFA No.5852-2012

HSIDC (NOW HSIIDC) & OTHERS

.... Appellant(s)

Versus

SURESH KUMAR

....Respondent(s)

42

RFA No.5853-2012

HSIDC (NOW HSIIDC) & OTHERS

.... Appellant(s)

Versus

RAGHU NATH & OTHERS

....Respondent(s)

43

RFA No.5854-2012

HSIDC (NOW HSIIDC) AND OTHERS

.... Appellant(s)

Versus

BANI SINGH AND OTHERS

....Respondent(s)

44

RFA No.5855-2012

HSIDC (NOW HSIIDC) AND OTHERS

.... Appellant(s)

Versus

RAM NARAIN & ANOTHER

....Respondent(s)

45

RFA No.5856-2012

HSIDC (NOW HSIIDC) & OTHERS

.... Appellant(s)

Versus

RAGHBIR & OTHERS

....Respondent(s)

46

RFA No.5857-2012

HSIDC (NOW HSIIDC) AND OTHERS

.... Appellant(s)

Versus

SMT. CHAND KAUR & OTHERS

....Respondent(s)

47

RFA No.5858-2012

HSIDC (NOW HSIIDC) AND OTHERS

.... Appellant(s)

Versus

MOHAN AND OTHERS

....Respondent(s)

48

RFA No.5859-2012

HSIDC (NOW HSIIDC) AND OTHERS

.... Appellant(s)

Versus

RAM PHAL AND OTHERS

....Respondent(s)

49

RFA No.5860-2012

HSIDC (NOW HSIIDC) & OTHERS

.... Appellant(s)

Versus

DHANNO DEVI & OTHERS

....Respondent(s)

50

RFA No.5861-2012

HSIDC (NOW HSIIDC) & OTHERS

.... Appellant(s)

Versus

RAM RATTI & OTHERS

....Respondent(s)

51

RFA No.5862-2012

HSIDC (NOW HSIIDC) AND OTHERS

.... Appellant(s)

Versus

RAM KUMAR & OTHERS

....Respondent(s)

52

RFA No.5863-2012

HSIDC (NOW HSIIDC) AND OTHERS

.... Appellant(s)

Versus

RAJ KUMAR AND OTHERS

....Respondent(s)

53

RFA No.832-2014

DHANNO & OTHERS

.... Appellant(s)

Versus

STATE OF HARYANA & OTHERS

....Respondent(s)

54.

XOBJR-209-CI-2015 IN/AND
RFA No.9000-2014

BALWAN AND OTHERS

.... Appellant(s)

Versus

STATE OF HARYANA & OTHERS

....Respondent(s)

CORAM : HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.Bhupinder Singh Saroha (in RFA-3406 & 4158 of 2011)
Mr. Vinod Kumar, Advocate for
Mr. Harkesh Manuja, Advocate (in RFA-3702 of 2011);

Mr. Navneet Singh, Advocate (in RFA Nos. 7140, 7899 of 2011, 282 and 1190 of 2012, 6175, 6660 of 2013, 3387, 8822, 832, 9000 of 2014 and 4561 of 2015);

Mr. Sushil Jain, Advocate (in RFA Nos. 5221 to 5227, 7130 of 2011 and 3287 of 2012);

Mr. Pritam Saini, Advocate for the HSIIDC and
(for the cross objector in XOBJR-209-CI-2015);

Mr. Vikram Punia, Advocate (in RFA Nos.5876, 5877, 5878, 7169, 7170 of 2011;
for the appellant(s).

Mr. Abhinash Jain, AAG, Haryana;

Mr. Vikram Punia, Advocate for the respondents
(in RFA No.5839, 5840, 5842, 5843, 5844, 5846, 5847, 5848, 5853, 5854, 5856 to 5859, 5863 of 2012).

ARUN PALLI, J. (Oral)

Vide this judgment, I shall decide a batch of 54 appeals of which 26 appeals as also the Cross Objection No.209-CI of 2015, have been filed by the HSIIDC (the beneficiary of the acquisition), and rest 28 appeals have been preferred by the claimants-landowners. For, the matter arises out of the same acquisition, and questions that require determination in all these appeals are common, these are being disposed of by a common order and judgment. However, by consensus the facts are being culled out from RFA No. 3406 of 2011 (Sona Dei and others Vs. State of Haryana and others).

Pursuant to a notification issued under Section 4 of the Act, by

Government of Haryana, published on 2.11.2004, land situated in four different villages such as Pai, Barona, Pipli, Gopalpur in District Sonapat, was sought to be acquired for construction and development of Express Highway, and to connect the National Highway No.1 Sonapat therewith. A final declaration under Section 6 was made on 16.12.2004. The entire land under acquisition, notwithstanding the village it was situated in, was assessed by the Land Acquisition Collector, at ₹12,50,000/- per acre. Being dissatisfied with the assessment and the compensation awarded by the Collector, the claimants filed objections under Section 18 of the Act, and resultantly the matter was referred to the Court for determination of compensation.

On an analysis of the material and evidence on record the reference Court reached a conclusion that albeit, the landowners claimed that the value of the acquired land was far more than what was awarded by the Collector, but they failed to lead any cogent evidence to substantiate their claims. And, rather the evidence adduced by the HSIIDC proved that the value of the acquired land was far less than the rate at which the Collector had awarded compensation. Likewise, even the claim of the landowners as regards compensation on account of severance was also declined for they failed to lead the necessary evidence. Except, however, in the case of a few landowners, whose land formed part of the revenue estate of village Gopalpur, who were awarded 50% of the market value of the land as compensation on account of severance of their holdings. As a result the claim petitions were dismissed, except to the extent indicated above, and the

assessment arrived at by the Collector was affirmed. It may be pointed out, by way of abundant caution, that the reference Court had rendered four identical awards, for, each of the four villages, though, delivered on different dates i.e. 21.10.2010 Pipli, 13.01.2010 Pai, 8.10.2010 Barona and 24.05.2011 Gopalpur. And, vide yet another award dated 20.05.2014, the reference Court re-determined the compensation under Section 28-A of the Act, as regards the land situated in village Gopalpur in terms of its earlier award dated 24.05.2011. All these awards are in question in respective appeals filed by the parties. Of course, the HSIIDC is in appeal only against those awards, vide which the reference Court had awarded compensation on account of severance. And, the claimants-landowners are praying for enhancement.

I have heard learned counsel for the parties and perused the records.

Although, the landowners claimed that the market value of the acquired land was between ₹50,00,000/- to 1,00,00,000/- per acre, at the time of issuance of notification under Section 4 of the Act, but they failed to lead any cogent evidence to substantiate their claims. No sale deed/sale instance of the land in the vicinity of the acquired land was produced to show that the compensation awarded by the Collector was indeed less than the true value of the acquired land. No doubt, in one of the land references, the claimants proved a sale deed dated 6.1.2004 (Ex.P8), vide which, a land measuring 90 square yard, situated in village Gopalpur was sold for a consideration of ₹27,000/- i.e. ₹14,52,000/- per acre. But, even the said sale

instance was not relied upon, for, it pertained to an extremely small or a negligible area, whereas the acquired land was a big chunk of agriculture land. On the contrary, the HSIIDC examined Bhim Singh Clerk (RW1) who proved the Collector rate (Ex.R1) in relation of 45 villages, and the entry at serial No.20 revealed that the rate of the land that was nehri-chahi was ₹4,20,000/- per acre and ₹3,10,000/- for Barani and Rosli. Likewise, even the report of the Divisional Level Rate Fixation Committee (Ex.R7) proved that the value of the land that was nehri-chahi, in village Pipli was ₹4,20,000/- and of Barani, Rosli ₹3,10,000/- per acre. Not just that sale deed Ex.R3 showed that a land measuring 4 kanal, that formed part of the revenue estate of village Pipli, was sold for ₹2,00,000/- on 26.05.2004. Even, vide sale deed dated 16.07.2004 (Ex.R4), a land measuring 4 kanals was sold for ₹4,20,000/-. Similarly, a land measuring 8 kanals was sold, vide sale deed dated 21.07.2004 (Ex.R5), for ₹4,20,000/-. In the given situation, the oral and self serving statement of the claimants were of no consequence. That being so, the only and the inevitable conclusion that could be reached was/is; that there was nothing on record to even remotely show that the value of the acquired land was more than the rate at which the compensation awarded by the Collector.

Likewise, though, the landowners did claim compensation on account of severance of their land holdings, but they failed to lead the requisite evidence to show the precise area of the un-acquired land that stood severed owing to the acquisition. No *aks sajra* was brought on record to depict the true position in this regard. Learned counsel for the claimants

could not refer to any evidence or material on record to show that the conclusion arrived at by the reference Court was contrary to the record.

However, as indicated above, a few of the landowners, whose land was situated in village Gopalpur, had led the necessary evidence i.e. Ex.P3, Ex.P4 and Ex.P9 to Ex.P14 to prove their respective claims. And, testimony of Anand Singh, Patwari Halqa (PW3), who proved the site plan Ex.P3 further substantiated the position in this regard. Learned counsel for the HSIIDC could not point out as to how the conclusion arrived at by the reference Court, in this regard suffered from any material illegality.

In conspectus of the position as sketched out above no interference is warranted with the award(s) rendered by the reference Court. Thus, the appeals filed by both the parties are dismissed being bereft of merits.

08.02.2017

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No