

REPORTABLE

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: January 23, 2017

Sr. No.	Case No.	Title	
		Appellant(s)	Respondent(s)
1.	RFA-1130-2012	VEENA RANI AND ORS	STATE OF HARYANA AND ORS
2.	RFA-7906-2011	ANIL KUMAR AND ORS	STATE OF HARYANA AND ORS
3.	RFA-7907-2011	RAM CHANDER AND ORS	STATE OF HARYANA AND ORS
4.	RFA-7908-2011	ANIL KUMAR AND ORS	STATE OF HARYANA AND ORS
5.	RFA-7909-2011	RAGHBIR AND ORS	STATE OF HARYANA AND ORS
6.	RFA-99-2012	JAI BHAGWAN	STATE OF HARYANA AND ORS
7.	RFA-100-2012	RAJ KUMAR	STATE OF HARYANA AND ORS
8.	RFA-261-2012	SURESH KUMAR AND ORS	STATE OF HARYANA AND ORS
9.	RFA-496-2012	SHIV CHARAN AND ORS	STATE OF HARYANA AND ORS
10.	RFA-707-2012	BHATERI AND ORS.	STATE OF HARYANA AND ORS.
11.	RFA-708-2012	SARTI AND ORS.	STATE OF HARYANA AND ORS.
12.	RFA-709-2012	SURAJ BHAN AND ORS.	STATE OF HARYANA AND ORS.
13.	RFA-710-2012	NARENDER SINGH AND ANR.	STATE OF HARYANA AND ORS.
14.	RFA-711-2012	NARENDER SINGH AND ORS.	STATE OF HARYANA AND ORS.
15.	RFA-712-2012	RAM KISHAN	STATE OF HARYANA AND ORS.
16.	RFA-779-2012	SURAJ MAL @ SURAJ BHAN AND ANR	STATE OF HARYANA AND ORS
17.	RFA-877-2012	KRISHAN DUTT AND ORS	STATE OF HARYANA AND ORS
18.	RFA-1083-2012	DHARAM SINGH AND ORS	STATE OF HARYANA AND ORS
19.	RFA-1084-2012	DHARAM SINGH AND ORS	STATE OF HARYANA AND ORS

20.	RFA-1131-2012	PURNIMA AND ANR	STATE OF HARYANA AND ORS
21.	RFA-1132-2012	SHANTI DEVI	STATE OF HARYANA AND ORS
22.	RFA-1133-2012	PROMILA DEVI	STATE OF HARYANA AND ORS
23.	RFA-1134-2012	CHANDER KANTA	STATE OF HARYANA AND ORS
24.	RFA-1135-2012	CHANDER KANTA	STATE OF HARYANA AND ORS
25.	RFA-1136-2012	RANBIR PAL & ORS	STATE OF HARYANA AND ORS
26.	RFA-1137-2012	RANBIR PAL SINGH	STATE OF HARYANA AND ORS
27.	RFA-1138-2012	AMAN ADITYA	STATE OF HARYANA AND ORS
28.	RFA-1139-2012	HARBHAJAN SINGH AND ANR	STATE OF HARYANA AND ORS
29.	RFA-1140-2012	SHANTI DEVI AND ORS	STATE OF HARYANA AND ORS
30.	RFA-1141-2012	RAVINDR PAL	STATE OF HARYANA AND ORS
31.	RFA-1142-2012	ANIL KUMAR	STATE OF HARYANA AND ORS
32.	RFA-1143-2012	SHANTI DEVI AND ORS	STATE OF HARYANA AND ORS
33.	RFA-1144-2012	VIRENDER KUMAR	STATE OF HARYANA AND ORS
34.	RFA-1145-2012	KARNAIL SINGH AND ORS	STATE OF HARYANA AND ORS
35.	RFA-1146-2012	VEENA KUMARI	STATE OF HARYANA AND ORS
36.	RFA-1147-2012	BALBIR PAL SINGH	STATE OF HARYANA AND ORS
37.	RFA-1191-2012	RAJINDER SINGH	STATE OF HARYANA AND OTHERS
38.	RFA-1206-2012	DEEP CHAND AND ORS	STATE OF HARYANA AND ORS
39.	RFA-1472-2012	BALBIR PAL SINGH	STATE OF HARYANA AND ORS
40.	RFA-1473-2012	BALBIR PAL SINGH	STATE OF HARYANA AND ORS
41.	RFA-1474-2012	BALBIR PAL SINGH	STATE OF HARYANA AND ORS
42.	RFA-1515-2012	MAHENDER KAUR AND OTHERS	STATE OF HARYANA AND OTHERS
43.	RFA-1516-2012	SURAT SINGH	STATE OF HARYANA AND OTHERS
44.	RFA-1517-2012	DARSHAN SINGH	STATE OF HARYANA AND OTHERS

45.	RFA-1518-2012	SURAT SINGH AND ANOTHER	STATE OF HARYANA AND OTHERS
46.	RFA-1519-2012	CHARAN KAUR AND OTHERS	STATE OF HARYANA AND OTHERS
47.	RFA-1520-2012	DALBIR SINGH AND OTHERS	STATE OF HARYANA AND OTHERS
48.	RFA-1521-2012	KULBIR KAUR & ORS	STATE OF HARYANA & ORS
49.	RFA-1584-2012	GURMEJ SINGH AND OTHERS	STATE OF HARYANA THRU COLLECTOR, PANIPAT & ORS.
50.	RFA-1586-2012	VINESH @ DINESH S/O KISHAN CHAND AND OTHERS	STATE OF HARYANA THRU COLLECTOR, PANIPAT & ORS.
51.	RFA-1887-2012	PAWAN KUMAR AND ANOTHER	STATE OF HARYANA AND OTHERS
52.	RFA-1888-2012	VED PARKASH AND OTHERS	STATE OF HARYANA AND OTHERS
53.	RFA-1925-2012	JIWAN SINGH	STATE OF HARYANA AND OTHERS
54.	RFA-1937-2012	RAJROOP SINGH AND ORS	STATE OF HARYANA AND ORS
55.	RFA-1957-2012	AVTAR SINGH	STATE OF HARYANA AND ORS
56.	RFA-1970-2012	KAILASH KAUR AND ORS.	STATE OF HARYANA AND ORS.
57.	RFA-1971-2012	SURAT SINGH	STATE OF HARYANA AND OTHERS
58.	RFA-1972-2012	JOGINDER KAUR AND ORS.	STATE OF HARYANA AND ORS.
59.	RFA-2145-2012	JAI NARAIN	STATE OF HARYANA AND OTHERS
60.	RFA-2826-2012	SURAJ BHAN AND OTHERS	STATE OF HARYANA AND OTHERS
61.	RFA-2827-2012	HAWA SINGH	STATE OF HARYANA AND OTHERS
62.	RFA-3082-2012	PREM SINGH AND OTHERS	STATE OF HARYANA AND OTHERS
63.	RFA-5668-2012	LAKHA SINGH AND ORS	STATE OF HARYANA AND ORS
64.	RFA-5669-2012	LAKHVINDER SINGH @ LAKHA SINGH AND ORS	STATE OF HARYANA AND ORS
65.	RFA-5670-2012	GURDEEP SINGH AND ANR	STATE OF HARYANA AND ORS
66.	RFA-5769-2012	JAGJIT SINGH AND OTHERS	STATE OF HARYANA AND OTHERS
67.	RFA-2567-2013	GURDEEP SINGH AND ANR	STATE OF HARYANA AND ORS

68.	RFA-2568-2013	SHISHA SINGH	STATE OF HARYANA AND ORS
69.	RFA-2569-2013	SATNAM SINGH	STATE OF HARYANA AND ORS
70.	RFA-2810-2013	BHAJAN SINGH	STATE OF HARYANA AND ORS
71.	RFA-2857-2013	SHEELA AND ORS	STATE OF HARYANA AND ORS
72.	RFA-4497-2013	SHERO DEVI & ORS	STATE OF HARYANA & ORS
73.	RFA-6090-2013	GURMEL SINGH @ GURMEL KAUR AND ORS	STATE OF HARYANA AND ORS
74.	RFA-6091-2013	GURMEL SINGH @ GURMEL KAUR AND ORS	STATE OF HARYANA AND ORS
75.	RFA-377-2014	MANDEEP KAUR & ORS	STATE OF HARYANA & ORS
76.	RFA-1489-2014	SUKHPREET SINGH & ORS	STATE OF HARYANA & ORS
77.	RFA-2189-2014	KARNAIL SINGH AND ORS	STATE OF HARYANA AND ORS
78.	RFA-2316-2014	SATNAM SINGH AND ORS	STATE OF HARYANA AND ORS
79.	RFA-3403-2014	ANOOP SINGH AND ORS	STATE OF HARYANA AND ORS
80.	RFA-6210-2014	INDIAN OIL CORPORATON	STATE OF HARYANA AND ORS
81.	RFA-6211-2014	INDIAN OIL CORPORATION	STATE OF HARYANA AND ORS
82.	RFA-6212-2014	INDIAN OIL CORPORATION	STATE OF HARYANA AND ORS
83.	RFA-6213-2014 and XOBJR-249-CI-2016	INDIAN OIL CORPORATION	STATE OF HARYANA AND ORS
84.	RFA-6214-2014	INDIAN OIL CORPORATION	STATE OF HARYANA AND ORS
85.	RFA-6215-2014	INDIAN OIL CORPORATION	STATE OF HARYANA AND ORS
86.	RFA-6216-2014	INDIAN OIL CORPORATION	STATE OF HARYANA AND ORS
87.	RFA-6217-2014	INDIAN OIL CORPORATON	STATE OF HARYANA AND ORS
88.	RFA-6218-2014	INDIAN OIL CORPORATON	STATE OF HARYANA AND ORS
89.	RFA-6219-2014	INDIAN OIL CORPORATION	STATE OF HARYANA AND ORS
90.	RFA-6220-2014	INDIAN OIL CORPORATION	STATE OF HARYANA AND ORS
91.	RFA-6221-2014	INDIAN OIL CORPORATION	STATE OF HARYANA AND ORS

92.	RFA-6222-2014	INDIAN OIL CORPORATION	STATE OF HARYANA AND ORS
93.	RFA-6223-2014	INDIAN OIL CORPORATION	STATE OF HARYANA AND ORS
94.	RFA-6224-2014	INDIAN OIL CORPORATION	STATE OF HARYANA AND ORS
95.	RFA-6225-2014	INDIAN OIL CORPORATION	STATE OF HARYANA AND ORS
96.	RFA-6226-2014	INDIAN OIL CORPORATON	STATE OF HARYANA AND ORS
97.	RFA-6227-2014	INDIAN OIL CORPORATION	STATE OF HARYANA AND ORS
98.	RFA-6228-2014	INDIAN OIL CORPORATION	STATE OF HARYANA AND ORS
99.	RFA-6229-2014	INDIAN OIL CORPORATION	STATE OF HARYANA AND ORS
100.	RFA-6230-2014	INDIAN OIL CORPORATION	STATE OF HARYANA AND ORS
101.	RFA-6231-2014	INDIAN OIL CORPORATION	STATE OF HARYANA AND ORS
102.	RFA-6232-2014	INDIAN OIL CORPORATION	STATE OF HARYANA AND ORS
103.	RFA-6233-2014	INDIAN OIL CORPORATION	STATE OF HARYANA AND ORS
104.	RFA-6234-2014	INDIAN OIL CORPORATION	STATE OF HARYANA AND ORS
105.	RFA-6235-2014	INDIAN OIL CORPORATION	STATE OF HARYANA AND ORS
106.	RFA-6236-2014	INDIAN OIL CORPORATION	STATE OF HARYANA AND ORS
107.	RFA-6237-2014	INDIAN OIL CORPORATON	STATE OF HARYANA AND ORS
108.	RFA-6238-2014	INDIAN OIL CORPORATION Vs STATE OF HARYANA & ORS	STATE OF HARYANA & ORS
109.	RFA-6239-2014	INDIAN OIL CORPORATION	STATE OF HARYANA & ORS
110.	RFA-6240-2014	INDIAN OIL CORPORATION	STATE OF HARYANA
111.	RFA-6241-2014	INDIAN OIL CORPORATION	STATE OF HARYANA & ORS
112.	RFA-6242-2014	INDIAN OIL CORPORATION	STATE OF HARYANA & ORS
113.	RFA-6243-2014	INDIAN OIL CORPORATION	STATE OF HARYANA & ORS
114.	RFA-6244-2014	INDIAN OIL CORPORATION	STATE OF HARYANA & ORS
115.	RFA-6245-2014	INDIAN OIL CORPORATION	STATE OF HARYANA & ORS

116.	RFA-6246-2014	INDIAN OIL CORPORATION	STATE OF HARYANA & ORS
117.	RFA-6247-2014	INDIAN OIL CORPORATION	STATE OF HARYANA & ORS
118.	RFA-6248-2014	INDIAN OIL CORPORATION	STATE OF HARYANA & ORS
119.	RFA-6249-2014	INDIAN OIL CORPORATION	STATE OF HARYANA & ORS
120.	RFA-6250-2014	INDIAN OIL CORPORATION	STATE OF HARYANA & ORS
121.	RFA-6312-2014	INDIAN OIL CORPORATION	STATE OF HARYANA AND ORS
122.	RFA-6313-2014	INDIAN OIL CORPORATON	STATE OF HARYANA AND ORS
123.	RFA-6314-2014	INDIAN OIL CORPORATON	STATE OF HARYANA AND ORS
124.	RFA-6315-2014	INDIAN OIL CORPORATON	STATE OF HARYANA AND ORS
125.	RFA-6316-2014	INDIAN OIL CORPORATION	STATE OF HARYANA AND ORS
126.	RFA-6317-2014	INDIAN OIL CORPORATON	STATE OF HARYANA AND ORS
127.	RFA-6335-2014	INDIAN OIL CORPORATON	STATE OF HARYANA AND ORS
128.	RFA-6706-2014	INDIAN OIL CORPORATION	STATE OF HARYANA & ORS
129.	RFA-7761-2014	INDIAN OIL CORPORATION	STATE OF HARYANA & ORS
130.	RFA-7917-2014	INDIAN OIL CORPORATION	STATE OF HARYANA & ORS
131.	RFA-9034-2014	INDIAN OIL CORPORATION	STATE OF HARYANA & ORS
132.	RFA-9526-2014	INDIAN OIL CORPORATION	STATE OF HARYANA & ORS
133.	RFA-9527-2014	INDIAN OIL CORPORATION	STATE OF HARYANA & ORS
134.	RFA-9528-2014	INDIAN OIL CORPORATION	STATE OF HARYANA & ORS
135.	RFA-9529-2014	INDIAN OIL CORPORATION	STATE OF HARYANA & ORS
136.	RFA-9530-2014	INDIAN OIL CORPORATION	STATE OF HARYANA & ORS
137.	RFA-9531-2014	INDIAN OIL CORPORATION	STATE OF HARYANA & ORS
138.	RFA-2567-2015	SAT NARAIN AND ORS	STATE OF HARYANA & ORS
139.	RFA-3126-2015	INDIAN OIL CORPORATION	STATE OF HARYANA AND ORS
140.	RFA-3127-2015	INDIAN OIL CORPORATION LTD	STATE OF HARYANA AND ORS

141.	RFA-525-2016	INDIAN OIL CORPORATION LTD	STATE OF HARYANA AND ORS
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CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: For the Claimants/Landowners

Mr. Ashwani Talwar, Advocate, and

Mr. Akash Sridhar, Advocate

(in RFA Nos. 1130 to 1145, 1584 and 1586 of 2012, 2810 of 2013, 1489 and 2189 of 2014)

Mr. Aftab Singh Khaira, Advocate

(in RFA Nos. 1146, 1147 and 1472 to 1474 of 2012)

Mr. Arun Jindal, Advocate

(in RFA Nos. 2826, 2827 & 3082 of 2012)

Mr. Arun Singal, Advocate

(in RFA Nos. 99 and 100 of 2012)

Mr. Arvind Singh, Advocate, and

Mr. Parveen Sharma, Advocate

(in RFA Nos. 707 to 712 of 2012)

Mr. Ashwani Gaur, Advocate

(in RFA Nos. 496, 877 and 2145 of 2012)

Mr. Bhupinder Singh Bairagi, Advocate

(in RFA Nos. 1083 and 1084 of 2012)

Mr. Harkesh Manuja, Advocate

(in RFA Nos. 1515 to 1521, 1925, 1957, 1970 to 1972 and 5769 of 2012, 6090, 6091, 2857 and 4497 of 2013, and 377 of 2014)

Mr. J.C. Malik, Advocate

(in RFA No. 779 of 2012)

Mr. Jagbir Malik, Advocate

(in RFA No. 1206 of 2012)

Mr. S.S. Kharb, Advocate

(in RFA Nos. 7906, 7907, 7908, 7909 of 2011 and 261 of 2012)

Mr. Sushil K. Sharma, Advocate,

for Mr. M.L. Sharma, Advocate

(in RFA Nos. 5668 to 5670 of 2012 and 2567 to 2569 of 2013)

For the beneficiary – Indian Oil Corporation Limited

Mr. Pawan Kumar Mutneja, Advocate, and

Mr. Viranjeet Singh Mahal, Advocate

ARUN PALLI, J. (ORAL)

Vide this order and judgment, I shall decide a batch of 141

appeals, of which 80 appeals including one cross-objection have been

preferred by the claimant/landowners and the rest 61 appeals have been filed by the beneficiary of the acquisition, i.e. Indian Oil Corporation Limited (IOC). For, the questions that arise for determination in all these appeals are common, these are being disposed of by a common judgment. However, by consensus, the facts are being culled out from RFA No. 1130 of 2012 (**Veena Rani and others v. State of Haryana and others**).

Vide three separate notifications, issued under Section 4 of the Land Acquisition Act, 1894 (for brevity, 'the Act'), though published on an even date i.e. 3.5.2005, the land situated in three different villages i.e. Baholi, Baljattan and Dadlana, in Tehsil Matlouda, District Panipat, was sought to be acquired for setting up a 'World Class Petrochemical Hub', and a Township for the employees of the IOC, respectively. The final declaration under Section 6 of the Act was published on 18.4.2006. The Land Acquisition Collector, vide award dated 15.1.2007, assessed the market value of the land in all the villages @ Rs.12,50,000/- per acre (Rs.258.26p. per Sq.Yd.). Being aggrieved of the assessment and the compensation awarded by the Collector, the landowners filed objections under Section 18 of the Act, and the dispute was referred to the Civil Court for determination of compensation. And, on an analysis of the material and evidence on record, the Reference Court found that the sale deeds brought on record by the claimant/landowners not only pertained to different villages, but were also executed post issuance of notification under Section 4 of the Act. Although, the sale deed dated 23.06.1993 (Ex.P-18) was of the same village i.e. Baholi, but the prices of the properties since 1993 have been going through different highs and lows, and thus it could not be relied upon.

the IOC were also ruled out of consideration, for, these were executed for a price far less than the amount assessed and awarded by the Collector itself. That being so, the Reference Court relied upon an award, dated 28.6.2007 (Ex. PX), vide which the Collector had assessed the value of another chunk of land, which too was situated in village Baholi @ Rs.16,00,000/- per acre. Particularly for, there was hardly any time difference between the two notifications issued under Section 4 in both the cases; the notification under Section 4 in the said proceedings was issued on 30.06.2005, and on 03.05.2005 in the present acquisition. Resultantly, the market value of the acquired land was also determined @ Rs.16,00,000/- per acre (Rs.330.57p. per Sq.Yd.). The landowners were also awarded all the statutory benefits admissible in law. That is how, as indicated above, both the parties are in appeal before this Court. Of course, the IOC has appealed to set aside the award rendered by the Reference Court, whereas the claimant/landowners seek further enhancement.

Learned counsel for the claimant/landowners submit in unison that all what form basis of the compensation awarded by the Reference Court is an award dated 28.6.2007 (Ex. PX), rendered by the Collector, but in the appeals arising out of the said award or acquisition, this Court vide order and judgment dated 3.3.2016, rendered in RFA No. 4694 of 2014 (**Tara Chand and others** v. **State of Haryana and others**) and other connected matters, had further enhanced the compensation to Rs. 904/- per Sq.Yd. Thus, it is submitted that, as a necessary consequence, even the claimant/landowners in these appeals shall be entitled to the same compensation.

As opposed to this, Mr. Pawan Mutneja, learned counsel for the IOC, submits that as many as sixteen sale deeds, each of which pertained to the revenue estate of village Baholi, and were executed in close proximity to the notification under Section 4, were placed on record, thus, there was hardly any justification to still ignore those instances, and instead determine the compensation on the basis of award dated 30.6.2005 (Ex. PX). He submits that the well accepted mode for evaluation of the market value of the land is the comparable sales method, and it is only in the absence of the relevant sale deeds/sale instances, the Court could rely upon its previous awards to determine the value of a land. Further, this Court in the case of Tara Chand (supra) had relied upon an award which pertained to village Sithana, which was/is at a considerable distance from village Baholi, therefore, the rate at which the land situated in village Sithana was assessed could never be awarded for the land that was situated in village Baholi. In support of his submissions, he relied upon the decisions of Hon'ble the Supreme Court in the cases of **Mohammad Raofuddin v. The Land Acquisition Officer**, (2009) 14 SCC 367, **Trishala Jain and another v. State of Uttaranchal and another**, (2011) 6 SCC 47 and **Pal Singh and others v. Union Territory of Chandigarh**, (1992) 4 SCC 400.

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

There cannot be any quarrel with the proposition of law that the claimant/landowners can never be awarded compensation less than what has been awarded by the Collector. But, it is equally true that even the sale deeds which were executed for a consideration less than the rate or the amount awarded by the Collector, could always be factored in to determine

the true value of the acquired land. What is the position in the matter in hand?

The IOC had brought on record the following sale deeds (Ex.R-1 to Ex.R-16):

Exhibit	Village	Vasika No.	Date	Area	Amount (Rs.)	Per Acre (Rs.)	Per Sq.Yd.
R-1	Baholi	483	07.06.05	16K-12M	4,38,000/-	2,11,084.34	43.61
R-2	Baholi	934	16.08.05	5K-7M	2,00,000/-	2,99,065.40	61.79
R-3	Baholi	1327	08.11.05	64K-14M	17,05,000/-	2,10,819.15	43.55
R-4	Baholi	1405	22.11.05	64K-14M	17,05,000/-	2,10,819.15	43.55
R-5	Baholi	1723	29.12.05	3K-0M	1,14,000/-	3,04,000.00	62.80
R-6	Baholi	1001	08.08.06	2K-7M	1,12,000/-	3,81,276.60	78.77
R-7	Baholi	1359	24.10.06	11K-0M	5,20,000/-	3,78,181.80	78.13
R-8	Baholi	1540	28.11.06	16K-0M	2,80,800/-	1,00,800.00	20.82
R-9	Baholi	1633	14.12.06	11A-5K-5M	4,50,000/-		
R-10	Baholi	1705	21.12.06	2K-0M	1,00,000/-	4,00,000.00	82.64
R-11	Baholi	1723	28.12.06	39K-14M	5,00,000/-	1,00,755.65	20.81
R-12	Baholi	2024	06.02.07	16K-0M	19,65,000/-	9,82,000.00	202.89
R-13	Baholi	65	12.04.07	14K-11M	19,95,000/-	10,96,907.20	226.63
R-14	Baholi	1382	30.11.07	15K-5M	19,07,000/-	10,00,393.45	206.69
R-15	Baholi	1654	15.01.08	4K-0M	5,00,000/-	10,00,000.00	206.61
R-16	Baholi	155	02.05.08	2K-19M	3,00,000/-	8,13,559.30	168.09

Ex facie, all the sale deeds tabulated above were executed for a consideration that was/is far less than the rate at which the compensation has been assessed by the Collector himself. In fact, sale deeds (Ex.R1 to

Ex.R11), which were executed nearly at the same time when the notification under Section 4 was issued, or even a year and a half thereafter, show that the said sites were sold for a consideration between Rs.20.81p to Rs.82.64p per Sq. Yd. And, two or even three years later sale deeds i.e. Ex.R12 to Ex.R16, were executed for Rs.168.09p to Rs.226.63p per Sq. Yd. Whereas, the Collector assessed the value of the acquired land, as on 30.06.2005, at Rs.258.26p per Sq. Yd. Thus, the only inference that could be drawn, in the situation, is that these sale deeds were undervalued to evade the stamp duty, and, therefore, could never be the determining factor to evaluate the true value of the acquired land.

And, in so far as the sale deeds relied upon by the claimant/landowners; the Reference Court was of the view that each of those sale deeds pertained to different villages (except Ex. P-18) and were even executed post issuance of notification under Section 4 of the Act. No doubt, the sale deed (Ex. P-18) pertained to the revenue estate of village Baholi, but that too could not be relied upon, for, it pertained to an extremely small or a negligible area measuring 01 marla only.

Indisputably, one of the most preferred and well accepted modes of assessment of value of the acquired land is the comparable sales method. And, while reiterating this principle the Supreme Court in Mohammad Raofuddin's case (supra), being relied upon by the learned counsel for the IOC, observed:

“14. ...

Thus, comparable sale instances of similar lands in the neighbourhood at or about the date of Notification

under [Section 4\(1\)](#) of the Act are the best guide for determination of the market value of the land to arrive at a fair estimate of the amount of compensation payable to a land owner. Nevertheless, while ascertaining compensation, it is the duty of the Court to see that the compensation so determined is just and fair not merely to the individual whose property has been acquired but also to the public which is to pay for it.”

But, in paragraph 11 of its decision the Court also observed that in the absence of sale deeds, the judgments and awards passed in respect of acquisition of lands, made in the same village and/or neighbouring villages can be accepted as valid piece of evidence and provide a sound basis to determine the market value of the land:

“11. One of the preferred and well accepted methods adopted for working out the market value of the land in acquisition cases is the comparable sales method. The comparable sales i.e. the lands sought to be compared must be similar in nature and potentiality. Again, in the absence of sale deeds, the judgments and awards passed in respect of acquisition of lands, made in the same village and/or neighbouring villages can be accepted as valid piece of evidence and provide a sound basis to determine the market value of the land after suitable adjustments with regard to positive and negative factors enumerated in [Sections](#)

23 and 24 of the Act. Undoubtedly, an element of some guess work is involved in the entire exercise.”

Likewise, the Supreme Court in the case of **Shaji Kuriakose & Anr. v. Indian Oil Corpn. Ltd. & Ors.** (SCC pp. 652-53 para 3), also observed that comparable sales method of valuation of land for fixing the market value of the acquired land is not always conclusive. For, there are certain other crucial factors, and it is always on the fulfillment of those, the comparable sale deeds/instances could form basis of the assessment of the value of the acquired land:

“3. ... While fixing the market value of the acquired land, Comparable Sales Method of valuation is preferred than other methods of valuation of land such as Capitalisation of Net Income Method or Expert Opinion Method. Comparable Sales Method of valuation is preferred because it furnishes the evidence for determination of the market value of the acquired land at which a willing purchaser would pay for the acquired land if it has been sold in open market at the time of issue of Notification under Section 5 of the Act. However, Comparable Sales Method of valuation of land for fixing the market value of the acquired land is not always conclusive. There are certain factors which are required to be fulfilled and on fulfillment of those factors the compensation can be awarded, according to the value of the land reflected in the sales. The factors laid down inter alia are: (1) the sale must be a genuine transaction, (2) that

the sale deed must have been executed at the time proximate of the date of issue of Notification under [Section 4](#) of the Act, (3) that the land covered by the sale must be in the vicinity of the acquired land, (4) that the land covered by the sales must be similar to the acquired land and (5) that the size of plot of the land covered by the sales be comparable to the land acquired. If all these factors are satisfied, then there is no reason why the sale value of the land covered by the sales be not given for the acquired land. However, if there is dissimilarity in regard to locality, shape, site or nature of land between land covered by sales and land acquired, it is open to Court to proportionately reduce the compensation for acquired land than what is reflected in the sales depending upon the disadvantages attached with the acquired land.”

In so far as the decision of the Hon’ble Supreme Court in Pal Singh’s case (supra), the Hon’ble Court rather observed:

“5. No doubt, a judgment of a court in a land acquisition case determining the market value of a land in the vicinity of the acquired lands, even though not interparties, could be admitted in evidence either as an instance or one from which the market value of the acquired land could be deduced or inferred as has been held by the Calcutta High Court in H.K. Mallick's case (supra) based on the authority of the Judicial Committee of the Privy Council in [Secretary](#)

of State v. Indian General Steam Navigation and Railway Co. 1909 I.L.R. 36 Cal. 967, where the Judicial Committee did refuse to interfere with High Court judgment in a land acquisition case based on previous awards, holding that no question of principle was involved in it.”

Therefore, the sale deeds that were being relied upon by the IOC, could indeed form basis of determination of the true value of the acquired land provided it satisfied the test; that all such transactions were True, genuine and bona fide. But, as demonstrated earlier, all these sale deeds were grossly undervalued and did not reflect the market value of the land.

The argument advanced by the learned counsel for the IOC that the judgment of this court in the case of Tara Chand (supra) could not be relied upon, for it in turn was based upon yet another decision of this court, vide which this court had assessed the value of the land situated in village Sithana, which was at a considerable distance from Baholi, cannot be countenanced either. Undoubtedly, in the case of Tara Chand (supra), this court had relied upon its earlier decision dated 01.03.2016, rendered in RFA No.3119 of 2013 (Indian Oil Corporation v. State of Haryana and others). However, on an analysis of the evidence on record, this court had reached a conclusion that both the villages i.e. Sithana and Baholi were contiguous, and their boundaries abutted each other, therefore, the landowners whose land was situated in village Baholi could never be awarded lesser compensation:-

“ *In view of what has been discussed hereinabove,
to strike a balance with a view to do complete and substantial*

justice between the parties, this Court is of the considered view that it would be just and expedient to apply a cut of 20% on the market value, assessed by this Court vide order dated 01.03.2016 passed in the appeals arising from the award Ex.P41. Order dated 01.03.2016 was passed by this Court in RFA No.3119 of 2013 (Indian Oil Corporation Vs. State of Haryana and others), along with another appeal filed by the land owner of village Sithana, whose land was acquired. After applying 20% reverse cut on the market value of Rs.1130/- per square yard, assessed in RFA No.3119 of 2013 decided on 01.03.2016, the market value comes to Rs.904/- per square yard. Accordingly, the land owners are held entitled to receive the amount of compensation at the uniform rate of Rs.904/- per square yard for their acquired land, from the date of notification under Section 4 of the Act.

So far as the distance between the acquired land and the land in RFA No.3119 of 2013 of village Sithana is concerned, learned counsel for the parties are not ad idem on any particular distance. On the one hand, learned counsel for HSIIDC submits that there was a substantial distance between the acquired land and the land of village Sithana, whereas learned counsel for the land owners submit that there was hardly any distance between two pieces of land. Be that as it may, one material fact, which has gone undisputed on record is that the revenue estates of village Sithana and village Bohali were adjoining with each other. Once it is so, the

reliance can be safely placed on two judgments of the Hon'ble Supreme Court in this regard, rendered in Ashrafi and others Vs. State of Haryana and others, 2013 (5) SCC 527 and Kashmir Singh Vs. State of Haryana and others, 2014 (2) SCC 165.

Under the peculiar circumstances, it can be safely concluded that granting any lesser amount of compensation to the land owners, in the instant set of appeals, would be wholly inadequate. In fact, this Court has duly considered all the relevant positive as well as negative determinative factors for the purpose of assessing the market value of the acquired land, in view of the law laid down by the Hon'ble Supreme Court in Viluben Jhalejar Contractor (D) by LRs Vs. State of Gujarat, 2005 (4) SCC 789.”

Thus, the award, dated 28.6.2007 (Ex. PX), was the safe and the most suitable evidence on record. I am reminded to point out that it has never been the case of the IOC either before the Reference Court or in these proceedings; that the land that was acquired pursuant to the award dated 28.06.2007 (Ex.PX) was any different from the acquired land in terms of quality, character and value. Thus, in the situation, the reliance placed by the Reference Court upon award dated 28.6.2007 (Ex. PX) was fully justified as it also pertained to the land situated in the same villages (Baholi and Dadlana), and the notification under Section 4 of the Act therein, was issued less than two months of the issuance of the notification under Section 4 in the present acquisition. No doubt, vide award dated 28.6.2007 (Ex. PX),

Dadlana was acquired, and in the present proceedings, even the land situated in village Baljattan was also under acquisition. As indicated earlier, notification under Section 4, in respect to all the three villages was issued on the same date i.e. 03.05.2005. The purpose of acquisition as regard village Baholi and Baljattan was/is common. For, quality and value of the land that formed part of the revenue estate of village Baljattan was the same, the Land Acquisition Collector awarded the same compensation to the claimant/landowners of all the three villages.

It is also the common case of the parties that in the appeals arising out of the said acquisition (Award Ex.PX), this Court, vide judgment dated 3.3.2016, rendered in the case of Tara Chand (supra), had further enhanced the compensation to Rs. 904/- per Sq.Yd. That being so, the only and inevitable conclusion one could reach is that the claimant/landowners in the present appeals are entitled to be awarded the same compensation as assessed and awarded by this Court in the case of Tara Chand (supra).

In conspectus of the position as sketched out above, the appeals as also the cross-objection(s) preferred by the claimant/landowners are disposed of as indicated above, and the awards in this respect are accordingly modified. Needless to say, that they shall be entitled to all the statutory benefits as admissible in law. And, as a necessary consequence, the appeals filed by the IOC are dismissed. However, there shall be no order as to costs.

(ARUN PALLI)
JUDGE

January 23, 2017
Pkapoor/Rajan

Whether Speaking/Reasoned:
Whether Reportable:

YES / NO
YES / NO