

REPORTABLE

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: February 7, 2017

Sr. No.	Case No.	Title	
		Appellant(s)	Respondent(s)
1.	RFA-5266-2011	MAHENDER ETC.	STATE OF HARYANA & OTHERS
2.	RFA-5267-2011	DALEL SINGH ETC.	STATE OF HARYANA & OTHERS
3.	RFA-5268-2011	JAGDE ETC.	STATE OF HARYANA & OTHERS
4.	RFA-5269-2011	CHAND KAUR ETC.	STATE OF HARYANA & OTHERS
5.	RFA-5270-2011	RAM DEI ETC.	STATE OF HARYANA & OTHERS
6.	RFA-5271-2011	MAHENDER SINGH ETC.	STATE OF HARYANA & OTHERS
7.	RFA-6046-2011	SARDAR SINGH ETC.	STATE OF HARYANA AND OTHERS
8.	RFA-6047-2011	SHANTI DEVI ETC.	STATE OF HARYANA AND OTHERS
9.	RFA-6048-2011	DIWAN SINGH ETC.	STATE OF HARYANA AND OTHERS
10.	RFA-7359-2011	GRAM PANCCHAYAT, TURAKPUR ETC.	STATE OF HARYANA AND OTHERS
11.	RFA-7646-2011	BIJENDER SINGH ETC.	STATE OF HARYANA & OTHERS
12.	RFA-42-2012	HUKAM CHAND AND OTHERS	STATE OF HARYANA AND OTHERS
13.	RFA-43-2012	DAYA PARKASH AND OTHERS	STATE OF HARYANA AND OTHERS
14.	RFA-44-2012	DAYA PARKASH AND OTHERS	STATE OF HARYANA AND OTHERS
15.	RFA-326-2012	KARAN SINGH	STATE OF HARYANA AND OTHERS
16.	RFA-327-2012	KHAJNI AND OTHERS	STATE OF HARYANA AND OTHERS
17.	RFA-328-2012	RAJ KANWAR AND OTHERS	STATE OF HARYANA AND OTHERS
18.	RFA-329-2012	SUKHDEI AND OTHERS	STATE OF HARYANA AND OTHERS

19.	RFA-330-2012	BALJEET SINGH AND OTHERS	STATE OF HARYANA AND OTHERS
20.	RFA-331-2012	DEV RAJ AND ANOTHER	STATE OF HARYANA AND OTHERS
21.	RFA-332-2012	DAYA NAND	STATE OF HARYANA AND OTHERS
22.	RFA-333-2012	SURESH KUMAR AND OTHERS	STATE OF HARYANA AND OTHERS
23.	RFA-334-2012	RAGHBIR SINGH AND ANOTHER	STATE OF HARYANA AND OTHERS
24.	RFA-335-2012	DHOOP SINGH	STATE OF HARYANA AND OTHERS
25.	RFA-539-2012	PARTAP SINGH AND OTHERS	STATE OF HARYANA AND OTHER
26.	RFA-717-2012	RAM PHAL	STATE OF HARYANA AND OTHERS
27.	RFA-718-2012	DALIP	STATE OF HARYANA AND OTHERS
28.	RFA-719-2012	MAHA SINGH	STATE OF HARYANA ETC.
29.	RFA-720-2012	AJAY KUMAR AND OTHERS	STATE OF HARYANA AND OTHERS
30.	RFA-757-2012	JAI NARAIN AND OTHERS	STATE OF HARYANA AND OTHERS
31.	RFA-767-2012	SARDAR SINGH AND OTHERS	STATE OF HARYANA AND OTHERS
32.	RFA-801-2012	BHOLA	STATE OF HARYANA AND ANOTHER
33.	RFA-850-2012	SURJAN	STATE OF HARYANA AND OTHERS
34.	RFA-851-2012	PATASHO AND OTHERS	STATE OF HARYANA AND OTHERS
35.	RFA-852-2012	SATBIR SINGH AND OTHERS	STATE OF HARYANA AND OTHERS
36.	RFA-880-2012	KAMLA AND OTHERS	STATE OF HARYANA AND OTHERS
37.	RFA-909-2012	KHAZAN SINGH	STATE OF HARYANA ETC.
38.	RFA-917-2012	PARAMVIR SINGH AND OTHERS	STATE OF HARYANA AND OTHER
39.	RFA-1604-2012	BALAK RAM	STATE OF HARYANA AND OTHERS
40.	RFA-3076-2012	SUKHBIR SINGH AND OTHERS	STATE OF HARYANA AND OTHERS
41.	RFA-456-2013	SANDEEP KUMAR AND OTHERS	STATE OF HARYANA AND OTHERS
42.	RFA-1138-2013	HSIIDC AND OTHERS	RAM PHAL

43.	RFA-1139-2013	HSI IDC AND OTHERS	KHAJNI AND OTHERS
44.	RFA-1140-2013	H.S.I.I.D.C. AND OTHERS	DALIP
45.	RFA-1141-2013	HSI IDC AND OTHERS	RAJ KANWAR AND OTHERS
46.	RFA-1142-2013	HSI IDC AND OTHERS	BIJENDER AND OTHERS
47.	RFA-1143-2013	HSI IDC AND OTHERS	PHOOLI AND OTHERS
48.	RFA-1144-2013	H.S.I.I.D.C. AND OTHERS	RATNI AND OTHERS
49.	RFA-1145-2013	HSI IDC AND OTHERS	SUKHDEI AND OTHERS
50.	RFA-1146-2013	H.S.I.I.D.C. AND OTHERS	KARAN SINGH
51.	RFA-1147-2013	HSI IDC AND OTHERS	RANDHIR SINGH AND OTHERS
52.	RFA-1148-2013	HSI IDC AND OTHERS	SUKHBIR SINGH AND OTHERS
53.	RFA-1149-2013	HSI IDC AND OTHERS	SILAK RAM AND OTHERS
54.	RFA-1150-2013	HSI IDC AND OTHERS	SATBIR SINGH AND OTHERS
55.	RFA-1151-2013	HSI IDC AND OTHERS	RAGHBIR SINGH AND OTHERS
56.	RFA-1152-2013	H.S.I.I.D.C. AND OTHERS	BHOOP SINGH
57.	RFA-1153-2013	H.S.I.I.D.C. AND OTHERS	HAR NANDI AND OTHERS
58.	RFA-1154-2013	HSI IDC AND OTHERS	BALJEET SINGH AND OTHERS
59.	RFA-1155-2013	H.S.I.I.D.C. AND OTHERS	DHOOP SINGH
60.	RFA-1156-2013	HSI IDC AND OTHERS	RAN SINGH AND OTHERS
61.	RFA-1157-2013	H.S.I.I.D.C. AND OTHERS	DEV RAJ AND OTHERS
62.	RFA-1158-2013	H.S.I.I.D.C. AND OTHERS	SHAM SHER SINGH AND OTHERS
63.	RFA-1159-2013	H.S.I.I.D.C. AND OTHERS	GIANWATI AND OTHERS
64.	RFA-1160-2013	HSI IDC AND OTHERS	MAHA SINGH
65.	RFA-1161-2013	H.S.I.I.D.C. AND OTHERS	DAYA NAND
66.	RFA-1162-2013	H.S.I.I.D.C. AND OTHERS	RAGHBIR SINGH AND OTHERS
67.	RFA-1163-2013	HSI IDC AND OTHERS	KHAZAN SINGH
68.	RFA-1164-2013	H.S.I.I.D.C. AND OTHERS	SUDHA AND OTHERS
69.	RFA-1165-2013	HSI IDC AND OTHERS	CHANDER PATI AND OTHERS
70.	RFA-1166-2013	HSI IDC AND OTHERS	SURESH KUMAR AND OTHERS

71.	RFA-1167-2013	HSI IDC AND OTHERS	CHATTAR SINGH AND OTHERS
72.	RFA-1168-2013	HSI IDC AND OTHERS	SURJAN
73.	RFA-1169-2013	HSI IDC AND OTHERS	AJAY KUMAR AND OTHERS
74.	RFA-1170-2013	H.S.I.I.D.C. AND OTHERS	SARDAR SINGH AND OTHERS
75.	RFA-1321-2013	H.S.I.I.D.C. AND OTHERS	SAHIB SINGH AND OTHERS
76.	RFA-1322-2013	H.S.I.I.D.C. AND OTHERS	SARDAR SINGH AND OTHERS
77.	RFA-1323-2013	HSI IDC AND OTHERS	OM PARKASH AND OTHERS
78.	RFA-1324-2013	HSI IDC AND OTHERS	PANMESHWARI AND OTHERS
79.	RFA-2165-2013	HSI IDC AND OTHERS	RANBIR
80.	RFA-2166-2013	HSI IDC AND OTHERS	HUKAM CHAND AND OTHERS
81.	RFA-2167-2013	HSI IDC AND OTHERS	PARAMVIR SINGH AND OTHERS
82.	RFA-2168-2013	HSI IDC AND OTHERS	PARTAP SINGH AND OTHERS
83.	RFA-2169-2013	HSI IDC AND OTHERS	CHHOTE AND OTHERS
84.	RFA-2170-2013	HSI IDC AND OTHERS	DAYA PARKASH AND OTHERS
85.	RFA-2171-2013	HSI IDC AND OTHERS	RAM KANWAR AND OTHERS
86.	RFA-2172-2013	HSI IDC AND OTHERS	DAYA PARKASH
87.	RFA-2173-2013	HSI IDC AND OTHERS	BHOLA AND OTHERS
88.	RFA-2174-2013	HSI IDC AND OTHERS	JAI NARAIN AND OTHERS
89.	RFA-2175-2013	HSI IDC AND OTHERS	GIR SINGH AND OTHERS
90.	RFA-2176-2013	HSI IDC AND OTHERS	BALAK RAM
91.	RFA-2177-2013	HSI IDC AND OTHERS	LICHHMI AND OTHERS
92.	RFA-2178-2013	HSI IDC AND OTHERS	RAGHBIR AND OTHERS
93.	RFA-2179-2013	HSI IDC AND OTHERS	VATAN PAL AND OTHERS
94.	RFA-2618-2013	VATAN PAL AND OTHERS	STATE OF HARYANA AND OTHERS
95.	RFA-7909-2013	SHAMSHER SINGH AND OTHERS	STATE OF HARYANA AND OTHERS
96.	RFA-7910-2013	CHATTAR SINGH AND OTHERS	STATE OF HARYANA AND OTHERS

97.	RFA-7911-2013	OM PARKASH AND OTHERS	STATE OF HARYANA AND OTHERS
98.	RFA-7912-2013	SAHIB SINGH AND OTHERS	STATE OF HARYANA AND OTHERS
99.	RFA-9026-2014	ISHWAR SINGH	STATE OF HARYANA & OTHERS
100.	RFA-9076-2014	PARTAP SINGH AND OTHERS	STATE OF HARYANA & OTHERS

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: **For the Claimants/Landowners**

Mr. S.P. Khatri, Advocate

(in RFA Nos. 5266 to 5271, 6046 to 6048, 7359 and 7646 of 2011)

Mr. Rupinder Thakur, Advocate, for

Mr. Vikram Punia, Advocate

(in RFA Nos. 42 to 44 and 767 of 2012; and 1322 of 2013)

Mr. Vikas Lochab, Advocate

(in RFA Nos. 717 to 720 and 852 of 2012)

Mr. R.S. Malik, Advocate,

Ms. Kiranjeet Kaur, Advocate, and

Mr. Vikas Gulia, Advocate

(in RFA Nos. 326 to 335, 539, 850 to 852, 917 and 3076 of 2012; 456 of 2013; and 9026 of 2014)

Mr. Navneet Singh, Advocate

(in RFA Nos. 757, 801, 880 and 1604 of 2012; 2618 of 2013; and 9076 of 2014)

For the beneficiary - HSIIDC

Mr. Pritam Saini, Advocate.

ARUN PALLI, J. (ORAL)

Vide this judgment, I shall decide a batch of 100 appeals, of which 52 appeals have been filed by the Haryana State Industrial and Infrastructure Development Corporation (HSIIDC), the beneficiary of the acquisition, and the rest 48 appeals have been preferred by the claimant/landowners. For, the matter arises out of the same acquisition and

the question that requires determination in all these appeals is common, these are being disposed of by a common order and judgment. However, by consensus the facts are being culled out from RFA No. 5266 of 2011 (**Mahender and others v. State of Haryana and others**).

Notification issued under Section 4 of the Land Acquisition Act, 1894 (for brevity, 'the Act') was published on 03.09.2004, vide which land situated in three different villages, i.e. Turkpur, Thana Kalan and Mandora, Tehsil Kharkhoda, in District Sonapat, was sought to be acquired for construction and development of Express Highway and to connect the National Highway No. I, Sonapat, therewith. The Land Acquisition Collector, though vide separate awards, assessed the market value of the acquired land situated in all the villages at Rs. 12,50,000/- per acre. The claimant/landowners were also awarded the statutory benefits as admissible in law. Being aggrieved of the assessment as also the compensation awarded by the Collector, the claimant/landowners filed objections under Section 18 of the Act and the dispute was referenced to the Civil Court.

On a consideration of the matter and material on record, the Reference Court reached a conclusion that the claimant/landowners failed to prove any sale deed/sale instance, which either pertained to the land situated in the same village or in its vicinity, to substantiate their claims for further enhancement. However, as regards the land situated in village Mandora, albeit the Court reached the same conclusion, but yet assessed the value of the acquired land @ Rs.13,00,000/- per acre i.e. at Rs.50,000/- per acre higher than the compensation awarded by the Collector, owing to the extra

ordinary hardship purport to have been suffered by the claimant/landowners. In so far as the claim of the claimant/landowners as regards compensation on account of severance, it was held that in the absence of any cogent or credible material, no such claim could be granted. Whereas certain other claimants-landowners, whose land was situated in village Thana Kalan, proved that owing to the acquisition their land holdings stood severed. And resultantly, they were awarded compensation/severance charges @ 50% of the value of the acquired land.

It may be clarified that these appeals have been preferred against the five identical awards, though delivered on different dates, i.e. 14.3.2011, 12.9.2011, 21.9.2011, 29.4.2014 and 31.5.2014. Of course, HSIIDC has preferred appeals only in those cases where the landowners have been awarded compensation @ Rs. 13,00,000/- per acre, and 50% of the value of the acquired land on account of severance of their holdings. Rest of the appeals have been preferred by the claimant/landowners.

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

The sale deeds (Ex.P-2 to Ex.P-9) were ruled out of consideration, for, these transactions pertained to the land of other villages, i.e. Kundli, Rasoi and Abaspur, whereas, the acquired land was situated at a considerable distance from those villages. The Reference Court discarded even the sale deed (Ex.P-7), for, it pertained to an extremely small or a negligible area. Likewise, for the sale deeds (Ex.P-10 to Ex.P-16) were executed post issuance of notification under Section 4 of the Act, these were

also not factored in. In fact, the specific finding recorded by the Reference Court is that no sale instance of the area of village Turkpur, which was germane, and prior to the publication of notification under Section 4, was produced on record. On the contrary, the respondents had proved a sale instance (Ex. R-3), showing that prior to issuance of notification under Section 4, the land situated in village Turkpur itself was sold at Rs.3,10,000/- per acre. Similarly, the Collector rates (Ex. R-1), for the year 2004-05, for the land that formed part of the revenue estate of village Turkpur, were also Rs.3,10,000/- per acre. In fact, an analysis of the document (Ex. R-4), revealed that the Divisional Level Committee constituted by the government for assessment of the value of the acquired land, only recommended Rs. 4,00,000/- per acre to be awarded as compensation. But, still the Collector assessed the value of the acquired land at Rs. 12,50,000/- per acre. Thus, the amount awarded by the Land Acquisition Collector was far more than the true value of the acquired land.

Significantly, the Reference Court had itself recorded a finding that the claimant/landowners failed to show even a single instance vide which the land situated at village Mandora was sold at a higher rate than the compensation awarded by the Collector i.e. Rs.12,50,000/- per acre. And, yet assessed the value of the land @ Rs.13,00,000/- per acre; ***“The LAC has not awarded any amount of compensation to the petitioners on account of extraordinary hardship such as severance and other hardship as discussed hereinbefore. This court is of the firm view had the LAC beside assessing the market value of the acquired land, had awarded some short of more***

compensation to them it would have sufficed the purpose and ends of justice would have met.” Concededly, neither this was the claim of the claimant/landowners before the Reference Court that they had suffered any extra-ordinary hardship nor any evidence was led in this regard. On being specifically asked, learned counsel for the claimant/landowners could not point out the basis for the said finding, and as to how it could be justified. In a nut shell, the claimant/landowners in all these matters failed to lead any cogent evidence to substantiate their claims. Thus, the only and the inevitable conclusion could/can be reached is that they were not entitled to any further enhancement.

As regards those cases, where the claimant/landowners led specific evidence to prove that their land holding indeed stood bifurcated owing to the acquisition, and the Reference Court had awarded compensation, no exception can be taken to the said finding. In fact, Mr. Pritam Saini, learned counsel for the HSIIDC, fairly submitted that the evidence on record fully substantiates the conclusion arrived at the Reference Court in this regard.

In conspectus of the position as sketched out above, the appeals preferred by the claimant/landowners are dismissed. Accordingly, even the appeals filed by HSIIDC against the award(s), vide which claimants were awarded 50% of the value of the acquired land as severance charges are also dismissed. However, the appeals filed against the award(s), vide which the Reference Court enhanced the compensation to Rs.13,00,000/- per acre, are accepted, and the landowners in those cases shall also be entitled to

compensation @ Rs.12,50,000/- per acre, as has been awarded and affirmed
in the matters pertaining to villages Turkpur and Thana Kalan.

(ARUN PALLI)
JUDGE

February 7, 2017
Pkapoor/Rajan

Whether Speaking/Reasoned:	YES / NO
Whether Reportable:	YES / NO