

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

**RFA-3546-2016 (O&M) along with  
RFA-2958 to 2962, 3823, 5429, 6129,  
6520 to 6524, 7383-2014 & 3191-2016(O&M)  
Decided on : 11.12.2019**

Meena Aggarwal

... Appellant

Versus

State of Haryana & another

... Respondents

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA**

Present: Mr.S.K.Kaushik, Advocate  
Mr.Sandeep Sharma, Advocate  
Mr.Sonu Giri, Advocate  
Mr.Sanjay Vij, Advocate, for  
Mr.Aditya Jain, Advocate, for the landowners.  
Mr.Sudeep Mahajan, Addl.A.G., Haryana  
Mr.Abhinash Jain, AAG, Haryana.

**G.S. Sandhawalia, J.**

Present appeals bearing RFA-3546 & 3191-2016, RFA-2958 to 2962, 3823, 5429, 6129, 6520 to 6524 & 7383-2014, filed under Section 54 of the Land Acquisition Act, 1894 (for short, the 'Act') are directed against the award of the Reference Court, Gurgaon dated 23.01.2014 & 17.05.2016 whereby the market value has been enhanced from Rs.70 lakhs per acre, as awarded by the Land Acquisition Collector, Gurgaon, to Rs.2,14,12,160/- per acre (Rs.4424/- per sq.yard.) for Village Nangli Umarpur, while deciding 21 references, the lead case of which was **LAC-753-2010** titled '*Smt.Meena Aggarwal Vs. State of Haryana & another*'. The said award was, thereafter, followed on 17.05.2016.

The reasoning given for the enhancement was the sale deeds (Ex.P-13 dated 01.02.2007 and Ex.P-17 dated 29.01.2007, whereby land had been sold @ Rs.4,06,98,689/- and Rs.8 crores per acre, respectively, were taken into consideration. The average was taken to arrive at a sum of Rs.6234/- per sq.yard (Rs.3,01,72,560/- per acre) and a 55% cut was applied

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to fix the market value @ Rs.2805/- per sq.yard. The earlier awards dated 30.11.2012 (Ex.R-4), of Medawas whereby Rs.4128.09/- per sq.yard and dated 30.10.2013 (Ex.P-38) of Ghata whereby Rs.6338/- per sq.yard had been awarded, were taken into consideration, to fix the average of the 3 exemplars. It was also noticed that for Village Ghata, Rs.55 lakhs had been awarded by the LAC, in comparison to Rs.70 lakhs per acre, as awarded for the present village.

Counsels for the landowners have, accordingly, stressed for enhancement by arguing that the market value had touched Rs.8 crores per acre also and therefore, the benefit of Ex.P-17 should be granted.

It is settled proposition of law that the sale deeds which are closest in point of time and proximity and of reasonable size, have to be taken into consideration for the purpose of assessing the market value. In the present case, the land which has been acquired measures 22.48 acres, for the purpose of development and utilization of the land for Sector roads for Sectors 58 to 67, Gurgaon, vide notification dated 24.06.2008. The relevant sale exemplars of the Village Nangli Umarpur which have been exhibited before the Reference Court, read as under:

| Sr. No | Ex. | Sale Deed No. | Date     | Land area K – M | Total Value | Rate per acre | Rate Per sq.yard |
|--------|-----|---------------|----------|-----------------|-------------|---------------|------------------|
| 1      | P2  | 10508         | 17.08.06 | 2-0             | 95,00,00    | 3,80,00,000   | 7,851            |
| 2      | P3  | 25736         | 28.02.06 | 3-11            | 76,76,875   | 1,73,00,000   | 3,574            |
| 3      | P4  | 25737         | 28.02.06 | 13-4            | 2,85,45,000 | 1,73,00,000   | 3,574            |
| 4      | P5  | 26556         | 09.03.06 | 3-11            | 76,76,875   | 1,73,00,000   | 3,574            |
| 5      | P13 | 22904         | 01.02.07 | 11-9            | 5,82,50,000 | 4,06,98,689   | 8,408            |
| 6      | P14 | 12229         | 07.09.06 | 2-13            | 1,32,50,000 | 4,00,00,000   | 8,264            |
| 7      | P15 | 14347         | 11.10.06 | 2-0             | 1,30,00,000 | 5,20,00,000   | 10743            |
| 8      | P16 | 10508         | 17.08.06 | 2-0             | 95,00,000   | 3,80,00,000   | 7,851            |
| 9      | P17 | 22502         | 29.01.07 | 1-0             | 1,00,00,000 | 8,00,00,000   | 16528            |

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The closest sale exemplar in point of time is dated 01.02.2007, measuring 11 kanals 9 marlas (Ex.P-13) which is in favour of M/s Bailwick Builders and the land had been sold @ Rs.4,06,98,689/-. The other sale deeds are at earlier point of time and the reliance upon Ex.P-17 dated 29.01.2007 cannot be accepted as the sale deed pertains to only 1 kanal of land, which is in favour of Ms. R.S.Enterprise Pvt. Ltd. Therefore, the valuation apparently had twice the market price of the other sale deeds and nothing has been brought on record as what has lead to the doubling of the market rate 2 days earlier. The acquisition being of 22.48 acres, the said sale exemplar cannot be said to be a safe or a bona fide exemplar to rely upon. Ex.P-13, on the other hand, is a reasonable chunk of land, measuring almost 1 ½ acres and therefore, reliance upon the same can be placed. Village Nangli Umarpur is situated below the southern Periphery Road and thus, at a better location than Villages Ullawas and Kadarapur. This Court, while allowing the appeals of the landowners for Village Ullawas in **RFA-7271-2013** titled *Dharampal & others Vs. State of Haryana & others*, has fixed the market value @ Rs.2 crores for the same notification. For Village Kadarapur, the market value had been fixed @ Rs.1.50 crores in **RFA-3710-2018** titled *Hari Parkash & others Vs. State of Haryana & others*, since it was further away from the heart of the town.

The evidence which is on the record would go on to show that the Masterplan for the Gurgaon-Manesar Urban Blocks, 2021 AD to 2025 AD and the draft development plan, 2024 AD were produced on record as Exs.R-2 to R-8 by the official of the District Town Planning

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Department. PW-4, Bir Singh admitted that the land was being used for agricultural purposes before this acquisition. Similar was the statement of PW-5, Indraj and PW-6, Dharambir.

Resultantly, keeping in view the principle which has been applied for the adjoining village also for Ullawas and Medawas, a 50% cut has been applied, keeping in view the fact that the sale exemplars are builder sale deeds and the keen-ness of the builders to purchase the land at any rate is an aspect which should not be lost sight of. In such circumstances, the benefit of above sale deeds and the closest in point of time which is in favour of M/s Balwick Builders Pvt. Ltd. (Ex.P-13), is kept in mind and a 50% cut would work out the market rate @ Rs.2,03,49,344/- per acre, which is less than what has been awarded by the Reference Court. However, this Court is of the opinion, from the site-plan that it would also be clear that the land of Nangli Umarpur is better situated than Medawas and therefore, it is to get the additional value as the land is closer to the heart of Gurgaon than which has now been awarded to the landowners of the neighbouring village i.e., Medawas, on the southern side, which has been assessed @ Rs.2,22,00,000/- per acre in **RFA-2129-2013** titled *Jaggan & others Vs. State of Haryana & others*. The methodology of fixing the market rate in the manner is not appreciated as averaging across the board of high sale exemplar of small portions of land should have not been resorted to by the Reference Court. For Village Tigra, this Court has assessed the market value @ Rs.3.20 crores per acre for the same notification in **RFA-3754-2015** titled *Anita Devi Vs. Land Acquisition Collector & others*, by judgment of even date.

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Resultantly, as both the villages Tigra and Medawas straddle the revenue estate of Nangli Umarpur, on the Northern and Southern sides, the average of the same, Rs.3.20 crores and Rs.2.22 crores, are taken to fix the market value @ Rs.2,71,00,000/- per acre along with all statutory benefits.

Accordingly, the present appeals are allowed by assessing the market value, as above.

**DECEMBER 11<sup>th</sup>, 2019**

*SAILESH*

**(G.S. SANDHAWALIA)**  
**JUDGE**

*Whether speaking/reasoned:*

*Yes/No*

*Whether Reportable:*

*Yes/No*