

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

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**RFA No.5437 of 2014 and other
connected appeals (O&M)
Reserved on : 17.10.2019
Pronounced on : 01.11.2019**

Nihal Singh & another

... Appellants

Versus

State of Haryana and another

... Respondents

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

Present: Mr. Ashok Tyagi, Advocate
Mr. J.K.Goel, Advocate
Mr. P.R.Yadav, Advocate
Mr. S.S.Kaliramana, Advocate
for the landowners.

Mr. Sudeep Mahajan, Addl. AG, Haryana.
Ms. Vibha Tiwari, AAG, Haryana.

G.S. Sandhawalia, J.

The present judgment shall dispose of 4 appeals, bearing RFA-5437, 7679 & 8990-2014 and RFA-1092-2016, filed under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act') by the landowners against the Award dated 15.03.2014 passed by the Reference Court, Gurgaon, for the land acquired in village Gopalpur pertaining to the notification dated 13.01.2010 issued under Section 4 of the Act. The market value has been enhanced to Rs.1,51,75,416/- per acre, by relying upon the award dated 13.08.2013 (Ex.P17) pertaining to adjoining Village Dhankot, titled **Narinder Kumar Sahni**, whereby for the same notification, land had been acquired for the same purpose, i.e., for the construction of sector roads of Sectors 99 to 115, Gurgaon.

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2. The Reference Court noticed that in the present case, the Land Acquisition Collector, vide award No.83 dated 31.03.2010, had only awarded Rs.43,00,000/- per acre as market value and, for Dhankot, it had awarded Rs.60,00,000/- per acre and the market value had been enhanced to Rs.2,11,75,000/- in Ex.P17. The enhancement was granted on the proportionate terms. The sale deeds of Village Gopalpur, prior to the notification in question, were ignored, as the value was much less and the ones' which were post-notification, were ignored on the ground that the value is to be assessed on the date of Section 4 notification. The chart reads as under:

Sr. No.	Exh	Vasika No.	Date	Land Area			Total Sale consideration	Rate per acre	Revenue estate
				Bigha	Biswa				
1.	P1	24478	30.11.2010	1	10	13 biswansi	1,91,56,250	2,00,00,000	Basai
2.	P2	17137	21. 11.2007	20	18		7,83,75,000	2,93,69,014	Dhankot
3.	P3	24638	28.1.08	5	18		2,06,50,000	2,93,69,014	Dhankot
4.	P4	20081	18.10.10	34	0		12,75,00,000	2,93,69,014	Dhankot
5.	P5	17135	21.11.07	9	2		3,41,25,000	2,93,69,014	Dhankot
6.	P6	24644	28.01.08	1	8		14,40,000	82,28,571	Garhi Harsaru
7.	P7	15649	6.10.08	25	8		1,90,00,000	57,39,130	Gopalpur
8.	P8	5247	30.06.09	20	0		1,40,00,000	57,39,130	Gopalpur
9.	P9	24352	03.03.09	5	8		1,45,12,500	86,89,241	Wazirpur
10.	P10	17558	5.11.08	23	17		1,69,86,000	86,89,241	Wazirpur
11.	P11	5056	25.05.10	41	2.5		20,00,00,000	2,96,56,043	Hayatpur
12.	P12	24840	03.03.10	28	5		7,76,87,500	2,96,56,043	Hayatpur
13.	P13	27284	25.03.10	20	8		5,86,50,000	2,96,56,043	Hayatpur
14.	P14	18699	06.11.12	11	15	3.5 sarsai	5,88,49,558	4,43,29,823	Gopalpur
15.	P15	22380	20.12.12	8	8		5,19,75,000	4,43,29,823	Gopalpur

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3. It was also noticed that in the year 2008, for Village Gopalpur, land prices were ranging as per Exs.P7 & P8 @ Rs.57,39,130/-. There was a phenomenal jump in November and Devember, 2012 and the market value went upto Rs.4,43,29,823/-. The method applied was as under:

“Thus, the value of the land is assessed as ₹ 1,51,75,416.60 per acre, say ₹ 1,51,75,416/- per acre. (This value has been calculated by adopting the following formula:

If value of the land is 60 lacs as awarded by LAC, it has been enhanced to 2,11,75,000 per acre by the Reference Court.

If value of the land is taken as 1, the enhancement shall come to ₹ 2,11,75,000/60

If value of the land is 36 lacs (sic 43 lacs) as awarded by LAC, enhancement comes to

$$\frac{\text{₹}2,11,75,000}{60} \times 43 = \text{₹} 1,51,75,416.6”$$

4. A perusal of the chart would go on to show that there was a lot of difference between the market value between Gopalpur and Dhankot, as Exs.P2 to P5 would depict a market value of Rs.2,93,69,014/- in the year 2007 to 2010. The same is even more than what Village Basai is commanding @ Rs.2,66,56,000/- though it is deeper inside and closer to Gurgaon and therefore, Dhankot seems to have its own peculiar advantages. The valuation in Gopalpur from the year 2008-09 surged in 4 years in 2012 as would be clear from Exs.P14 & 15 and seems to have overtaken as the corresponding sale deeds of

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Dhankot for the said year are as under:

Sr No.	Exh.	Vasika No. & dated	Period after notification on u.s. 4 dated 13.01.2010	Land Area	Total sale consideration Rs.	Rate per Acre Rs.
1	P15	2317 dated 28.4.11	After 1 year 3 months 15 days	0 K 13 M	24,37,500	2,80,00,000
2	P16	4983 dated 26.5.11	After 1 year 4 months 13 days	0 K 13 M 02	25,11,346	3,06,74,863/-
3	P17	3101 dated 6.5.11	After 1 year 3 months 23 days	2 K 12 M	1,17,86,500	3,62,66,154
4	P18	4973 dated 20.5.11	After 1 year 4 months 7 days	1K 15 M 02	67,19,533	3,06,31,071
5	P19	4975 dated 26.5.11	After 1 year 4 months 13 days	0 K 3 M 5	6,78,740	3,28,0439

5. This Court had occasion to deal with the sale deeds of Village Dhankot in **RFA-5872-2013 'Dharambir and another Vs. State of Haryana and others'** while assessing the market value for the notification dated 25.01.2008. The market value for the said notification had been enhanced from Rs.2,11,75,000/- by giving an increase to Rs.2.55 crores. If the same principle is applied, keeping in mind the fact that the village is adjoining and proportionate valuation has been granted by the Collector, the market value works out to Rs.1,82,75,000/-.

6. Applying another principle, as such of granting 20% deduction to what has been assessed for Dhankot, in **RFA-7185-2013 'Subhash Kumar Vs. State of Haryana and others'** @ Rs.3,08,55,000/- , keeping in view the fact that the land is not that advantageously situated as its neighbour, the valuation, as such, would work out to Rs.2,46,84,000/-. Keeping in mind the principle that the value of the adjoining villages can also be taken into consideration for fixation of the

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market value as per law laid down in **Union of India Vs. Harinder Pal Singh 2005 (12) SCC 564**, **Charan Dass (Dead) by LR Vs. Himachal Pradesh Housing & Urban Development Authority 2010 (13) SCC 398** and **Premwati Vs. Union of India 2013 (4) Law Herald (SC) 3381**.

Also keeping in mind the fact that thereafter, there has been corresponding rise in prices, as such, this Court is of the opinion that if 20% cut is granted to what has been granted to its neighbour, i.e., Village Dhankot, the market value would work out to Rs.2,46,84,000/- per acre.

7. The evidence on record and the findings recorded by the Reference Court would show that Basai, Dhankot, Garhi Harsaru, Gopalpur, Hayatpur etcd. are villages with contiguous boundaries. The site-plan produced including the Master-plan for Gurgaon-Manesar Complex, 2025 would confirm the said fact. PW5 Lalit Mohan, Patwari Halqa, Garhi was examined, who brought the original Aks Sijra and also stated on the same lines. Similar is the statement of PW4, Patwari Halqa that Village Wazirpur was adjacent to Village Harsaru and Hayatpur, as per the original Aks Sijra, which had been produced. The site-plan also confirms the said fact that the land which has been acquired for the sector roads of Sector 99A, which are situated further away from Delhi as to the location of the other villages which are closer to the main town of Gurgaon and Delhi. The market value, thus, would continue to depreciate as one would go away from the heart land of the town and the National Capital.

8. Resultantly, this Court is of the opinion that if a cut of 20%

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is put on the amount awarded to Village Dhankot, the same would be appropriate for fixing the market value. Accordingly, the appeals are allowed and the market value is fixed @ Rs.2,46,84,000/- per acre along with all statutory benefits for village Gopalpur.

9. All pending civil miscellaneous applications in which no separate orders have been passed also stand disposed of, accordingly.

NOVEMBER 1st, 2019
SAILESH/NAVEEN

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*