

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

SAILESH RANJAN
2019.07.16 17:01
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RFA No.563 of 2014 (O&M)

Date of decision: 05.07.2019

Surender Singh & others

....Appellant(s)

Versus

State of Haryana and others

....Respondents

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

Present: Mr. Arun Jain, Sr. Advocate with
Mr. Amit Jain, Advocate
Mr. Neeraj Jain, Sr. Advocate with
Mr. Ajit Malik, Advocate
Mr. Ashwani Talwar, Advocate and
Mr. Aakash Shreedhar, Advocate
Mr. Navneet Singh, Advocate
Mr. Alok Jain, Advocate
Mr. Manoj Yadav, Advocate
Mr. R.S. Malik, Advocate
Mr. R.S. Yadav, Advocate
Mr. S.R. Hooda, Advocate
Mr. S.P. Khatri, Advocate
Mr. Virender Khatri, Advocate
Mr. Gaurav Tyagi, Advocate for
Mr. Ashok Tyagi, Advocate
Mr. Ajit Singh Lamba, Advocate
Mr. Gautam Kaile, Advocate for
Mr. Ashwani Antil, Advocate
Mr. Virender Rana, Advocate
Ms. Parveen, Advocate for
Mr. R.S. Budhwar, Advocate
Mr. Praful Rana, Advocate for
Mr. R.K. Arya, Advocate
Mr. Rambir Yadav, Advocate
Mr. Chirag Kundu, Advocate
Mr. Sushil Jain, Advocate
Mr. Suchin Kadyan, Advocate
Mr. Ashwani Gaur, Advocate
Mr. Vikram Punia, Advocate
Mr. S.K. Sharma, Advocate for
Mr. M.L. Sharma, Advocate
Mr. Ramesh Hooda, Advocate
Mr. Karan Singh, Advocate
Mr. Rahul Vats, Advocate, for the landowners.

Mr. Sudeep Mahajan, Addl.A.G., Haryana.
Mr. Abhinash Jain, AAG, Haryana.
Ms. Vibha Tewari, AAG, Haryana.

Mr. Pritam Singh Saini, Advocate
Mr. Vishal Garg, Advocate for the HSIIDC.

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G.S. SANDHAWALIA, J.

CM-1095-1096-CI-2014

Applications for placing on record Annexures A-1 to A-5, as additional evidence and for exemption from filing certified copy of the same, have been filed, in support of claim for enhancement of compensation.

A perusal of the said documents would go on to show that Annexure A-1 is the report whereby proposal was made for Rs.25,00,000/- per acre as the market value for the earlier acquisition dated 22.06.2006, for the development of Industrial Sector 38 and Village Pritampura was also part of the said development. On 28.11.2008 (Annexure A-2), an award was passed granting the said amount for the land acquired.

This Court, while deciding the case on merits, vide detailed judgment dated 05.07.2019, has also kept the notification dated 22.06.2006 in mind, to award the market value @ Rs.45,00,000/- per acre, for the notification dated 05.03.2007. Similarly, the sale deeds which are now sought to be placed on record dated 10.02.2006 (Annexure A-3) and dated 08.03.2006 (Annexure A-4) of Village Rasoi are across the Highway and were in favour of a builder. The relevant sale deeds which are on the same side of the Highway have been kept in mind to fix the market value. The said sale deeds, as such, were executed more than 7 years before the Reference Court pronounced its order and dismissed the reference petitions on the ground of lack of evidence led by the landowners. The landowners were well aware of the said sale deeds and

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therefore, now, cannot bring the same on record by way of filing the present application for additional evidence. Even otherwise, the said sale deeds were not certified copies and are photocopies of the same. As per the provisions of Section 51-A of the Land Acquisition Act, 1894, the said documents cannot be read in isolation of the same. The Apex Court in **Satish Kumar Gupta & others Vs. State of Haryana & others 2017 AIR (SC) 1072** has held that the provisions of Order 41 Rule 27 CPC have to be fully complied with as to why the said material could not be brought on record and cannot be used to fill up the lacuna.

Similarly, sale deed dated 10.12.2003 (Annexure A-5) is more than 3 ½ years earlier from the date of Section 4 notification and therefore, would not be depicting the correct market value and is not in close proximity of time. The same also suffers from the same infirmity as Annexures A-3 & A-4.

Resultantly, in view of the above discussion, the present applications for exemption and placing on record additional evidence are hereby dismissed.

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For the reasons assigned in detailed judgment of even date passed in **RFA No.4101 of 2008** titled as “**HSIDC (now Haryana State Industrial & Infrastructure Development Corporation) Vs. Rajesh Kumar-II & others**”, the present appeal is disposed of.

05.07.2019
sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No