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

**RFA No.5468 of 2017
Date of Decision: 20.05.2019**

Dhir Singh and others

...Appellants

Versus

State of Haryana and others

... Respondents

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

Present : Mr. Jagdish Singh Mahal, Advocate
for the appellants.

Mr. Shivender Swaroop, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

The present appeal is arising out of the award dated 13.02.2017 passed by the Reference Court, Gurdaspur. The notification under Section 4 of the Land Acquisition Act in question is dated 04.10.2013 vide which the land measuring 24 Kanals in Village Sarangwal, District Gurdaspur was acquired for establishing Border out post Choura, Tehsil and District Gurdaspur.

As per counsel, the Land Acquisition Collector had awarded ₹ 5,50,000/- per acre for Chahi land and ₹ 2,50,000/- per acre for Salab land. The Reference Court has enhanced the compensation to ₹ 6,50,000/- per acre for Chahi land and ₹ 3,50,000/- per acre for Salab land by applying the thumb rule as such that the amount has been fixed at the collector rate. Therefore, keeping in mind that the sale

deeds normally are registered at the said rate which is normally lower than the market price. It is settled principle that the onus is upon the land owners to prove the market value on the basis of which they claim compensation.

In the present case, apart from the oral evidence, the claimants produced no sale deed of the adjoining area of the same period of acquisition. The claimants only relied upon one report of Naib Tehsildar, Kalanaur which is Ex. RW-1/B which was also dated 06.01.2014. The same has also been discarded on the ground that it is also post dated. Even otherwise, such reports cannot be the basis for fixing the market value in the absence of any statutory instructions. It is settled principle that sale deeds are best piece of evidence, for assessing the market value.

Since the appellants failed to produce any such evidence, there is no further scope for the enhancement than what has already been granted by the Reference Court by applying the thumb rule as such. Resultantly, there is no merit in the current appeal. The same is dismissed.

20th May, 2019
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(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned : Yes

Whether Reportable : No