

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA No.5211 of 2018
Date of Decision: 07.05.2019

Rakesh Kumar ... Appellant

VS.

State of Haryana & Ors. ... Respondents

RFA-13599-2018
Date of Decision: 07.05.2019

Smt. Bimla Kumari & Ors. ... Appellants

VS.

State of Haryana & Ors. ... Respondents

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

Present: Mr. NK Malhotra, Advocate for the appellants

G.S. SANDHAWALIA, J. (Oral)

Delay applications

Applications under Section 5 of the Limitation Act have been filed for condonation of delay of 81-84 days in filing the above-cited appeals.

In view of the averments made in the applications showing sufficient cause explaining for the delay duly supported by affidavits, the delay of 81-84 days in filing the appeals is hereby condoned.

CMs stand disposed of.

Main cases

The above-captioned appeals are directed against the award dated 21.01.2017 passed by Reference Court, Rohtak whereby no enhancement has been granted for the notification dated 21.06.2006. The land falls in village Sunaria Kalan and the acquisition was for 4.71 acres for sector dividing road between Sector 24 & 25, Rohtak. The petitioners produced as many as 11 sale deeds before the Reference Court in support of the claim for enhancement. Keeping in view the fact that 4 of the sale deeds

the ground that they were not in close proximity of the date of Section 4 notification i.e. 21.01.2006. The said view cannot be faulted with in any manner in view of the law laid down in **The General Manager, Oil and Natural Gas Corporation Ltd. vs. Rameshbhai Jivanbhai Patel & Anr. (2008) 14 SCC 745.** The landowners cannot claim any benefit of cumulative enhancement beyond the period of 4-5 years and therefore the sale deeds were of no help.

Similarly, sale deeds at Sr.No.5 to 11 pertained to different revenue estate, namely Mauza Myna, Mauza Kanheli and Mauja Kutana and were also post notification pertaining from 03.10.2007 to 19.10.2010. Accordingly were discarded on that ground. It is settled principle that the onus of proving the market value lies upon the landowners as has been held by the Apex Court in **Basant Kumar & Ors. vs. UOI (1996) 11 SCC 542, Gafar vs. Moradabad Development Authority (2007) 7 SCC 614 and Special Land Acquisition Officer vs. Karigowda (2010) 5 SCC 708.**

In such circumstances, once the landowners did not bring on record the relevant sale exemplars in support of their claim for enhancement the Reference Court cannot be held to have faulted for denying the claim for enhancement on account of lack of appropriate sale exemplars by way of evidence.

In such circumstances, this Court is of the view that no case is made out for interference with the well reasoned award passed by the Reference Court.

Both the appeals stand dismissed.

07.05.2019

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**(G.S. Sandhawalia)
Judge**