

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

219, 220 & 223

**RFA No.38 of 2019 (O&M) and
other connected appeals
Decided on : 14.11.2019**

Pirithi

... Appellant

Versus

State of Haryana and another

... Respondents

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

Present: Mr. S.S. Kaliramna, Advocate for the appellant (s).

Mr. Shivendra Swaroop, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

Delay applications in refiling

Applications for condoning the delay for the period ranging from 1728 to 1760 days in refiling the appeals are allowed, in view of the averments made in the applications, duly supported by affidavit. The delay for the period ranging from 1728 to 1760 days in refiling the appeals is condoned.

CMs stand disposed of.

Main appeals

The present judgment shall dispose of 16 appeals i.e. **RFA Nos.38, 201 to 209, 451, 453 to 456 and 1785 of 2019** filed by the landowners under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act') which are directed against the Award dated 09.09.2013 of the Reference Court, Jhajjar.

Vide the abovesaid award, the Reference Court has declined to grant enhancement from the amount of ₹12,50,000/- per acre granted by the

Land Acquisition Collector, vide Award dated 06.01.2006. The only benefit of enhancement, which had been granted by the Reference Court is 20% additional compensation on account of severance wherein the landowners had been adversely affected.

Vide notification dated 11.06.2004 issued under Section 4 of the Act, land measuring 9.90 acres falling in village Munda Khera, Tehsil Bahadurgarh, District Jhajjar had been acquired for the construction of the STP Channel.

The enhancement in the market value had been declined on the ground that no sale deeds for the period of 2004 and 2005 or prior to that period had been placed on record, which would give the evidence to determine the market value of the acquired land at the time of acquisition. Reliance had been placed upon the judgments of the Apex Court passed in **'Raghubans Naraian Singh Vs. U.P. Govt.'**, AIR 1967 SC 465, **'Dollar Company, Madras Vs. Collector of Madras'**, AIR 1975 SC 1670 and **Atma Singh Vs. State of Haryana 2008 (2) SCC 568** to reject the claim. It had been noticed that the market value as such awarded vide Award (Ex.P3) passed by Additional District Judge, Gurgaon pertaining to village Mubarikpur, Tehsil & District Gurgaon for the notification dated 11.01.2005 relied upon could not be taken into consideration. It had also been noticed that Gurgaon is a high potential development zone and the area cannot be equated to District Jhajjar. The claim as such for enhancement on the basis of the land taken on lease by Denso Haryana

Pvt. Ltd. and Panasonic India Pvt. Ltd. from Reliance Haryana SEZ Ltd. was rightly rejected, as the land was falling in village Bir Dadri. It was also noticed that the land was situated 9 Kms from the acquired land and 13 Kms from Jhajjar on Gurgaon Road and, therefore, the acquisition which had been done for STP Channel would not show that the land as such was similarly placed.

It is a settled principle that the onus to prove the market value is always upon the landowners and the best methodology is the sale exemplars of the similarly situated land in the adjoining area. Reliance can be placed upon the judgment of the Apex Court passed in '**Special Land Acquisition Officer Vs. Karigowda & others**', (2010) 5 SCC 708.

Keeping in view the above circumstances and the fact that no sale exemplars have been brought on record pertaining to the period around Section 4 notification, but only the lease deeds as such had been placed on record and that also of Multi National Companies, which had taken the land from a Company and, therefore, the said lease deeds have rightly been kept out from consideration for assessing the market value.

Accordingly, keeping in view the above and the fact that the landowners themselves could not bring on record the relevant material for enhancement, the Reference Court has thus rightly declined enhancement in the market value for the notification dated 11.06.2004 for the land falling in village village Munda Khera, Tehsil Bahadurgarh, District Jhajjar for the construction of STP Channel.

Resultantly, no interference in the valid reasons given by the Reference Court is made out. Accordingly, there is no merit in the present appeals and the same are dismissed.

NOVEMBER 14, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No