

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RFA No.2712 of 1998
Decided on : 06.03.2020

Lajpat Rai ... Appellant

Versus

State of Haryana ... Respondent

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

Present: Mr.Sudeep Mahajan, Addl.A.G. Haryana
Mr.Abhinash Jain, AAG, Haryana.

None for the landowners.

G.S. Sandhawalia, J. (Oral) :-

The present appeals filed under Section 54 of the Land Acquisition Act, 1894 (for short the 'Act'), bearing RFA-2712, 4728 to 4730-1998 and RFA-158 & 1303-1999, filed both by the landowners and the State, are directed against the award of the Reference Court, Kaithal dated 20.04.2018, whereby uniform compensation @ Rs.4 lakhs per acre, has been granted, thus, enhancing it from Rs.1,50,000/- per acre, as awarded by the LAC for Chahi land, vide the award dated 28.02.1998 since for the Gair Mumkin land, same amount of compensation had been awarded.

The notification in question is dated 15.09.1994, issued under Section 4, for the land measuring 5 kanals 9 marlas falling in Village Pundri, Tehsil & District Kaithal, acquired for the construction of road from Habri road to vegetable market. As noticed the Reference Court has granted uniform compensation by holding that one landowner has been given a different value on account of different yardstick adopted by the LAC. Sale instances which have been exhibited read as under:

Sr. No.	Ex.	Date	Area sold	Sale consideration	Rate per acre
1.	P3	16.5.95	10 ½ marla	Rs.80,000/-	Rs.6.5 lacs
2.	P4	16.5.95	2 ½ marla	Rs.20,000/-	Rs.13 lacs
3.	P5	18.6.81	10 marla	Rs.18,000/-	Rs.2.88 lacs
4.	R1	8.3.96	8 kanals	Rs.1,00,000/-	Rs.1 lac
5.	R2	20.2.96	3K-16M	Rs.50,000/-	Rs.1 lac (approx.)

A perusal of the sale instances would go on to show that Exs.P3 & P4 are post-notification and Ex.P5 was executed wayback in 1981 and therefore, would not depict the correct market value, on the date of the Section 4 notification. However, even if the difference of 13 years is taken into consideration, the market value is likely to increase to Rs.4 lakhs per acre. Even Exs.R1 & R2, produced by the State, are post notification.

Keeping in view of the fact that the onus was on the landowners to show that the market value was more which they had failed to do so. Therefore, no case for enhancement of compensation is made out. Similarly, the State appeals are also bereft of merit, keeping in view the fact that the State witness, Shri H.L. Taneja, Executive Officer-cum-Secretary, Market Committee, Pundri, appearing as RW-1, himself admitted in his cross-examination, that the entire land was of the same nature. Therefore, the reasoning adopted by the Reference Court, to grant uniform compensation, for a small patch of land, acquired for the purpose of a road, does not suffer from any infirmity or illegality which would warrant interference by this Court.

Resultantly, in view of the above discussion, both the appeals filed by the landowners and the State, are hereby, dismissed.

March 6th, 2020
sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No