

In the High Court of Punjab and Haryana, at Chandigarh

Regular First Appeal No. 1059 of 2020 (O&M)

Date of Decision: 06.10.2021

Haryana State Industrial and Infrastructure Development Corporation

... Appellant(s)

Versus

Sandeep and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Ashwani Chopra, Senior Advocate
with Mr. Pritam Singh Saini, Advocate,
for the HSIIDC.

Mr. Parveen Dahiya and Mr. Saajan Singla, Advocates
for the appellant (s) (In RFA-1193-2021 & RFA-1329-2021).

Mr. Arun Kumar Singla, Advocate
for the appellant(s) (In RFA-1334-2021, RFA-1402-2021,
RFA-1392-2021, RFA-1392-2021, RFA-1396-2021 And
RFA-1362-2021).

Mr. Rajender Singh Malik, Advocate
for the appellant(s) in RFA-1243-2021.

Mr. Harkesh Manuja, Advocate
for the landowners in RFA-1390-2021.

Mr. Vikas Lochab, Advocate
for the appellant(s) (In RFA-1342-2021, RFA-1349-2021,
RFA-1385-2021 and RFA-1398-2021).

Mr. Shilak Ram Hooda, Advocate
for the appellant(s) (In RFA-1322-2021, RFA-1328-2021,
RFA-1344-2021, RFA-1347-2021, RFA-1348-2021,
RFA-1357-2021, RFA-1367-2021, RFA-1400-2021 And
RFA-1428-2021).

Mr. Shivendra Swaroop, Assistant Advocate General,
Haryana.

Anil Kshetarpal, J.

1. By this judgment, a bunch of appeals (details whereof are available at the end of the judgment) filed under Section 54 of the Land Acquisition Act, 1894 (hereinafter referred to as “the 1894 Act”) with respect to acquisition of land located in the villages, namely Saidpur, Pehladpur and Gopalpur, arising from separate but identical judgments passed by the Reference Court determining the same market value, shall stand disposed of. The acquisition of the said land was initiated on 01.04.2010 by a common notification under Section 4 of the 1894 Act while proposing to acquire approximately 3300 acres of land, located in the villages, namely Gopalpur, Pipli, Saidpur, Kundal, Rampur, Ferozepur Bangar, Nizampur Khurd, Sohati, Pehladpur and Burana, Tehsil Kharkoda, District Sonapat.

2. The brief particulars of the land, acquired village-wise along with the award, are noted as under:-

1. Date of notification : 2/1/4-IIB-II-2010 dated 1.4.2010
U/s 4
Date of notification : 2/1/4-IIB-II-2010 dated 4.4.2011
U/s 6
No. & date of award : **Award no. 47 dated 25.03.2013**
Total land acquired : **464 Acre 2 Kanal and 8 Marla**
Name of village : **Gopalpur**
Purpose : For development of Industrial and Modern Township in revenue estate of village Gopalpur, Pipli, Saidpur, Kundal, Rampur, Firozpur, Bangar, Nizampur Khurd, Sohati, Pahaladpur and Borana Tehsil Kharkhoda and District Sonapat.
Rate awarded by LAC : Rs 30 lacs per acre for every kind of land.

2. Date of notification : 2/1/4-IIB-II-2010 dated 1.4.2010
U/s 4
Date of notification : 2/1/4-IIB-II-2010 dated 4.4.2011
U/s 6
No. & date of award : **Award no. 53 dated 03.4.2013**
Total land acquired : **85Acre 2 K 19Marla**
Name of village : **Saidpur**
Purpose : For development of Industrial and Modern Township in revenue estate of village Gopalpur, Pipli, Saidpur, Kundal, Rampur, Firozpur, Bangar, Nizampur Khurd, Sohati, Pahaladpur and Borana Tehsil Kharkhoda and District Sonapat.
Rate awarded by LAC : Rs.35.00 lacs per acre up to the depth of 5 acres from Kharkhoda Delhi road and Rs 30 lacs per acre for remaining land.
3. Date of notification : 2/1/4-IIB-II-2010 dated 1.4.2010
U/s 4
Date of notification : 2/1/4-IIB-II-2010 dated 4.4.2011
U/s 6
No. & date of award : **Award no. 45 dated 13.03.2013**
Total land acquired : **71Acre 7 K 10Marla**
Name of village : **Pehladpur**
Purpose : For development of Industrial and Modern Township in revenue estate of village Gopalpur, Pipli, Saidpur, Kundal, Rampur, Firozpur, Bangar, Nizampur Khurd, Sohati, Pahaladpur and Borana Tehsil Kharkhoda and District Sonapat.
Rate awarded by LAC : Rs 30 lacs per acre for every kind of land.

3. FACTS

- 3.1 In order to utilize the land for developing the Industrial Model Township, the State of Haryana vide a notification dated 01.04.2010 proposed to acquire the land in as many as ten villages, measuring 3300

acres approximately. The declaration under Section 6 of the 1894 of the Act was issued on 04.04.2005 and the separate awards were announced on different dates while assessing the same market value of the acquired land i.e. @ ₹30,00,000/- per acre, payable with all the statutory benefits under the 1894 Act. On the various applications filed by the land owners, the cases were referred to the Reference Court under Section 18 of the 1894 Act. The Reference Court, on appreciation of the evidence, has assessed the market value of the acquired land upto the depth of 5 acres abutting Kharkhoda-Delhi Road @ ₹42,00,000/- per acre, whereas the market value of the remaining land has been assessed @ ₹37,00,000/- per acre.

3.2 The appeals arising from the village Nizampur Khurd with respect to the acquisition in question have already been decided in ***Haryana State Industrial and Infrastructure Development Corporation Limited v. Mahesh Kumar and Others (Regular First Appeal No. 1190 of 2020 and Other connected cases, vide judgment dated 22.03.2021)***. The relevant discussion is extracted as under:-

“Before this Court proceeds to adjudicate upon the matter, it will be appropriate to note that the learned Additional District Judge has determined the compensation on the basis of comparable sales method of valuation of the land. Both the sides have produced copies of the various sale deeds in order to support their respective claims. The sale deeds, relied upon by the owners, have been summarized in a tabulated form by the learned Additional District Judge, the correctness whereof is not disputed and hence, extracted hereunder:

<i>Ex</i>	<i>Sale deed No.</i>	<i>Date</i>	<i>Area</i>	<i>Amount Rs.</i>	<i>Name of village</i>	<i>Approximate Value per acre</i>
<i>P1/PW3/E & P7</i>	<i>1497</i>	<i>26.10.2009</i>	<i>4K-16M</i>	<i>42,00,000/-</i>	<i>Sohti</i>	<i>70,00,000/-</i>
<i>P2</i>	<i>2351</i>	<i>13.02.2007</i>	<i>210 sq.yards</i>	<i>2,00,000/-</i>	<i>Nizampur khurd</i>	<i>46,09,524/-</i>
<i>P3 & P11</i>	<i>3912</i>	<i>25.03.2013</i>	<i>7K 11 M</i>	<i>1,03,81,250/-</i>	<i>Pipli</i>	<i>1,10,00,000/-</i>
<i>P4</i>	<i>3436</i>	<i>30.01.2003</i>	<i>3Acre-4K-3M</i>	<i>1,76,05,000/-</i>	<i>Jattola</i>	<i>50,03,200/-</i>
<i>P5& P12</i>	<i>3229</i>	<i>15.01.2014</i>	<i>1 Acre</i>	<i>1,00,00,000/-</i>	<i>Saidpur</i>	<i>1,00,00,000/-</i>
<i>PW3/B & P9</i>	<i>498</i>	<i>18.06.2009</i>	<i>117sq yards</i>	<i>1,92,000/-</i>	<i>Nizampaur Khurd</i>	<i>79,42,564/-</i>
<i>PW3/C & P10</i>	<i>2351</i>	<i>13.02.2007</i>	<i>210Sq. yards</i>	<i>2,00,000/-</i>	<i>Nizampur Khurd</i>	<i>46,09,523/-</i>
<i>PW3/D/ P8</i>	<i>3588</i>	<i>29.03.2010</i>	<i>240Sq.yards</i>	<i>3,84,000/-</i>	<i>Nizampur Khurd</i>	<i>77,44,000/-</i>

The sale deed dated 13.02.2007 has been marked twice i.e. Ex.P2 and Ex.P3/C/P10.

On the other hand, HSIIDC has produced the copies of the sale deeds, which again have been summarized in a tabulated form, and are extracted as under:

<i>Ex.</i>	<i>Sale deed No.</i>	<i>Date</i>	<i>Area</i>	<i>Amount Rs.</i>	<i>Name of village</i>	<i>Approximate Value per acre</i>
<i>R2</i>	<i>2239</i>	<i>15.01.2009</i>	<i>4K-2M</i>	<i>10,25,000/-</i>	<i>Nizampur</i>	<i>20,00,000/-</i>
<i>R3</i>	<i>564</i>	<i>25.06.2009</i>	<i>1 K-17 M</i>	<i>5,78,500/-</i>	<i>Nizampur Khurd</i>	<i>25,01,622/-</i>
<i>R4</i>	<i>1451</i>	<i>16.10.2009</i>	<i>1 K-15 M</i>	<i>5,47000/-</i>	<i>Nizampur Khurd</i>	<i>25,00,571/-</i>
<i>R5</i>	<i>1311</i>	<i>25.09.2009</i>	<i>2Acre 6 K-5 M</i>	<i>97,34,375/-</i>	<i>Saidpur</i>	<i>35,00,000/-</i>
<i>R6</i>	<i>61</i>	<i>20.04.2009</i>	<i>3K-8M</i>	<i>8,50,000/-</i>	<i>Saidpur</i>	<i>20,00,000/-</i>
<i>R7 &8</i>	<i>2745</i>	<i>01.02.2010</i>	<i>2 Acre</i>	<i>50,00,000/-</i>	<i>Rampur</i>	<i>25,00,000/-</i>
<i>R8 &9</i>	<i>993</i>	<i>21.8.2009</i>	<i>10 Bigha</i>	<i>52,06,612/-</i>	<i>Rampur</i>	<i>24,99,573/-</i>
<i>R10</i>	<i>256</i>	<i>25.05.2009</i>	<i>4B1Bishwa</i>	<i>15,19,000/-</i>	<i>Kundal</i>	<i>18,01,022/-</i>
<i>R11</i>	<i>31</i>	<i>08.04.2010</i>	<i>3 Bigha</i>	<i>15,62,500/-</i>	<i>Kundal</i>	<i>25,00,000/-</i>

Ex.	Sale deed No.	Date	Area	Amount Rs.	Name of village	Approximate Value per acre
R12	05	01.04.2010	08 K	26,00,000/-	Firozepur Bangar	26,00,000/-

On behalf of the owners, Mahinder Singh appeared as PW.1, Shamsher Singh son of Partap Singh as PW.2, Deepak Kumar as PW.3, Shamsher Singh son of Prem Singh as PW.4, Ajay Rana as PW.5, Virender Singh as PW.6 and Madan Sangwan as PW.7. On the other hand, Jaibir Singh, Manager, HSIIDC, has appeared as RW.1.

At this stage, it would be appropriate to notice the location of the land acquired. The land is situated in the National Capital Region. The village Nizampur Khurd abuts the boundary of the Delhi State. Towards the State of Delhi, the village is Qutubgarh, whereas in the State of Haryana, the village is Nizampur Khurd. There are two major roads passing through the land, one is Kharkhoda-Delhi Road, whereas the other is a road starting from Biswamil via Nahra to Bahadurgarh, which connects to National Highway No. 10 i.e. Delhi Rohtak Road. This road is also a major district road. Still further, the land acquired is located 9 Kms. from Bawana Industrial Area, Delhi. The land of village Nizampur Khurd is located 1 Km. away from the Western Peripheral Road, which is commonly known as Kundli-Manesar-Palwal Road. The Sub-Division town Kharkhoda is at a distance of 4-5 Kms., whereas the small towns Kundli and Rai are at a distance of 17 Kms.

Thus, the land has a great potential for being put to use for commercial and industrial activity.

It has also come on record that already there are six industries working from the area in question. Mr. Jasbir Singh, Manager, HSIIDC, has admitted that the Western Peripheral Express Way passes by the side of the acquired land and the land is situated on Kharkhoda-Delhi Road. He also admits that Delhi border is about 1½ Kms. away from the acquired land and there are some industries near the acquired land apart from a fuel station.

Learned senior counsel appearing for HSIIDC has challenged the correctness of the judgment passed by the learned Additional District Judge for the following reasons:-

*1) The learned Additional District Judge has relied upon a judgment passed in **Jasmer Singh v. State of Punjab through Land Acquisition Collector, Ludhiana Broadguage Rail Line 2017 (5) RCR (Civil) 281** which has already been set aside by the Supreme Court while deciding **Civil Appeal No. 23530-23531 of 2017 on 06.12.2017**. He further contends that there is no prohibition in taking into consideration the sale deeds depicting the market price less which is less than the market value awarded by the Land Acquisition Collector in its award. He drew the attention of the Court to **Section 25 of the 1894 Act**.*

2) *He further submitted that the learned Additional District Judge has overlooked that the sale deeds of village Nizampur, relied upon by the owners, were of very small pieces of the land and therefore, could not be used to determine the market value of the big chunk of land which is acquired. He further submitted that the sale deeds Ex.P3 and P5 are subsequent to the date of notification under Section 4 and therefore, could not be relied upon. He further submitted that the Land Acquisition Collector had awarded sufficient compensation and therefore, there was no scope of enhancement.*

Per contra, learned counsel appearing for the owners have submitted that the learned Additional District Judge has erred in imposing a cut of 40% on the average price. While highlighting the location of the land, learned counsel contended that the market value, assessed by the Land Acquisition Collector, is on the lower side. They further contended that since the land of village Nizampur Khurd is sandwiched between the two roads, therefore, restricting the assessment of market value at ₹ 42,00,000/- per acre with respect to the land upto the depth of 5 acres on Kharkhoda-Delhi Road is wrong and therefore, this Court should order a uniform market value for the entire land.

submissions of learned counsel for the parties, this Court now proceeds to examine the case.

*There cannot be any dispute about the first argument of learned counsel for the HSIIDC. The judgment relied upon by the Additional District Judge in **Jasmer Singh** (supra) has been set aside by the Supreme Court. Further, on plain reading of Section 25 of the 1894 Act, it is apparent that the Court is not prohibited to consider the sale deeds depicting lower market value than assessed by the Land Acquisition Collector. The only restriction is that the Court will not assess the market value lower than the amount awarded by the Collector under Section 11. Therefore, the sale deeds depicting the rate lesser than the award of the Collector cannot be kept out of consideration.*

As noticed above, the location of the land is not in dispute. Now, let us examine the sale deeds produced by the owners one by one. The first sale deed is with respect to the land measuring 4 kanals 16 marlas situated in village Sohati. On a bare look at the two layout plans produced on record, one by the owners and the second by the HSIIDC, it is clear that the aforesaid village abuts the boundary of village Nizampur. The location of the land under sale deed Ex.P1 is not far away from the acquired land. This sale deed was executed before the notification was issued under Section 4 of the 1894 Act. The land was sold at the rate of ₹ 70,00,000/- per acre. The

HSIIDC has not produced any evidence to prove that the sale transaction was jacked up or is not genuine.

The sale deed Ex.P4 is with respect to the land measuring 3 acres 4 kanals and 3 marlas, situated in village Jattola. The aforesaid village is at a distance of 3 kms. from village Nizampur. The land was sold at the rate of ₹50,03,200/-. The aforesaid land is situated away from Bahadurgarh to Biswamil road. No doubt, the land of village Jattola has not been included in the acquisition, however, the aforesaid piece of land is not very far from the acquired land. Along with the village boundary of Nizampur, there is another village Saidpur. The land of Saidpur is also under acquisition by way of the same notification. Further, there is Delhi to Kharkhoda road and the land represented by sale deed Ex.P6 is located across that road. The piece of land is sufficiently big and is not located on the road. Therefore, the aforesaid sale deed can also be taken into consideration for assessing the market value of the land.

No doubt, the sale deed Ex.P2, Ex.PW.3/B and Ex.PW.3/D are of a smaller area. However, the sale deed Ex.P2 is more than three years before the notification was issued under Section 4 of the 1894 Act, whereas the sale deed Ex.PW.3/B is with respect to the sale deed one year before the date of issuing notification under Section 4. Still further, the sale deed Ex.PW.3/D is again executed immediately before the notification is issued under Section 4. The various sale deeds

of the plots of smaller size can be relied upon only after applying appropriate cut. The learned Additional District Judge has imposed a cut of 40%.

The average of the sale deeds Ex.P2, Ex.PW.3/B and Ex.PW.3/D/P8 comes to ₹ 67,65,362/-. If 40% is deducted on account of the sale deeds of smaller pieces of land, the amount would come to ₹ 40,59,000/- approximately. On the other hand, if we take the average of the sale deed Ex.P1, Ex.P4, Ex.R2, Ex.R3, Ex.R4, Ex.R5 and Ex.R6, the average comes to ₹ 35,00,000/-. Once again, if the average of ₹ 40,59,000/- and ₹ 35,00,000/- is taken, the amount comes around ₹37,80,000/-. The learned Additional District Judge has assessed the market value at ₹42,00,000/- per acre for the land upto the depth of 5 acres abutting the main road and ₹37,00,000/- for the land situated beyond the depth of 5 acres from Delhi-Kharkhoda road.

The sale deed represented by Ex.R2, Ex.R3 and Ex.R4 are with respect to pieces of the land which are of an undivided share in khewat No. 120. Obviously, a seller of undivided share in the joint khewat will not get the market price. Still further, the land represented by these sale deeds is at some distance from the acquired land.

It is significant to note that the Corporation has annexed the layout plan (Annexure R1), however, the location of the land sold vide sale deeds Ex.R5, Ex.R6, Ex.R7, Ex.R8, Ex.R9,

Ex.R10, Ex.R11 and Ex.R12 have not been depicted. Hence, the Court is not in a position to appreciate that location. Further, from the layout plan, produced by the owners, Ex.P13, it is apparent that adjoining to the land acquired, there is an industrial area in village Firozepur Bangar. The area of Mungeshpur in the State of Delhi is also abutting the land.

Let us examine this case from another angle. If the average rate of land is taken after the sale consideration of the sale deeds Ex. Ex.P1, Ex.P2, Ex.PW.3/B, Ex.PW.3/D/P8, Ex.R2, Ex.R3, Ex.R4, Ex.R5, Ex.R6, Ex.R8, Ex.R9, Ex.R10, Ex.R11 and Ex.R12, the amount comes to ₹38,70,000/-. However, it has to be kept in mind that three sale deeds Ex.P2, Ex.PW.3/B and Ex.PW.3/D/P8 produced by the owners are of a smaller area and therefore, some sort of cut has to be imposed. Hence, the market value determined by the learned Additional District Judge is neither excessive nor insufficient.

Now let us examine the argument of learned counsel for the owners. The first argument is against the belting. It will be noted here that the two roads as projected are at quite a distance. No doubt, at village Saidpur, these roads cross each other; however, the area in between the aforesaid roads is quite large. It is common knowledge that the land abutting the main road or highway fetches more price. Therefore, there is no reason to discard the opinion of the Land Acquisition Collector as well as the learned Additional District Judge.

The next argument of learned counsel for the owners is with reference to the location. The Court has already noticed that the location of the land is in close proximity with Delhi-Kharkhoda road, Western Peripheral Road and Bahadurgar-Biswamil road and hence, has a good potential. The HSIIDC has also acquired the land keeping in view its location. There are six industries already working in the area. Therefore, the land has the potential to be used for industrial purpose. Further, it is located in the National Capital Region near to the State of Delhi.

As regards the last argument of learned counsel for the appellant, it will be noted that 40% cut imposed by the learned Additional District Judge on the sale deeds of smaller area needs no interference because the learned Additional District Judge has imposed the cut of 40% on account of the land being acquired would be used for common facilities. This Court has made calculation from different angles and finds that no interference is required to be made with the judgment passed by the learned Additional District Judge. Hence, all the appeals filed by the HSIIDC as well as the owners are dismissed.

4. EVIDENCE

4.1 Before the Reference Court, the land owners and the Haryana State Industrial and Infrastructure Development Corporation Limited (hereinafter referred to as “the HSIIDC”) have produced various sale deeds

deeds produced by the land owners are provided in Table “A”, whereas the sale deeds produced by the HSIIDC are given in “Table “B” and the respective tables are extracted as under:-

TABLE “A”

S.No.	Date	Area	Value (₹)	Per Acre (₹)	Village	Remarks
01.	13.02.2007	7 M	2,00,000	45,91,428	Nizampur Khurd	Residential
02.	17.10.2008	2K-12m	19,50,000	48,00,000	Ferozepur Bangar	Nehri
03.	05.02.2009	2K-12M	4,00,000	12,30,769	Saidpur	Nehri
04.	26.10.2009	4K-16M	42,00,000	70,00,000	Sohati	Nehri
05.	30.01.2003	28K-3M	1,76,05,000	50,03,197	Jatala	Nehri
06.	25.03.2013	7K-11M	1,03,81,250	1,10,00,000	Pipli	Nehri
07.	15.01.2014	1 Acre	1,00,00,000	1,00,00,000	Saidpur	Nehri

TABLE “B”

S.No.	Date	Area	Value (₹)	Per Acre (₹)	Village	Remarks
01.	30.01.2009	7K-16M	18,52,000	19,00,000	Pehladpur	Nehri
02.	20.04.2009	3K-8M	4,25,000	10,00,000	Saidpur	-do-
03.	11.05.2009	7K-8M	20,35,000	22,00,000	Saidpur	-do-
04.	21.05.2009	5K-6M	13,25,000	20,00,000	Saidpur	-do-
05.	02.06.2009	10K-7M	20,70,000	16,00,000	Sohati	-do-
06.	25.09.2009	22K-5M	58,53,608	21,04,668	Saidpur	-do-
07.	07.10.2009	1 Acre	25,00,000	25,00,000	Gopalpur	-do-
08.	20.11.2009	2K-18M	7,25,000	20,00,000	Pehladpur	-do-
09.	19.01.2010	11K-4M	28,00,000	20,00,000	Pehladpur	-do-
10.	24.02.2010	1 Acre	20,00,000	20,00,000	Saidpur	-do-
11.	24.02.2010	4 K	10,00,000	20,00,000	Sohati	-do-
12.	03.03.2010	26K-5M	65,62,500	41,17,647	Sohati	-do-
13.	04.06.2010	19K-18M	57,21,250	1,63,46,428	Pehladpur	-do-

4.2 As already observed, these villages are not only located at the border of the National Capital Territory of Delhi but are also a part of the National Capital Region.

4.3 In the reference applications arising from the village Saidpur,

the reference applications arising from Pehladpur, Virender Singh has stepped into the witness box and deposed. With respect to the reference applications of the village Gopalpur, Balraj, Surinder Kumar, Anant Kumar, Architect Madan Sangwan and one Pooja, Registry Clerk, have been examined. On behalf of the HSIIDC, Jasbir Singh, Manager, Industrial Model Township, Kharkhoda, has appeared and deposed in all the cases.

4.4 It is noted here that the land owners have also produced the proceedings of the Committee constituted under the Chairmanship of the Divisional Commissioner for issuing the guidelines to the LAC for assessing the market value. On 03.08.2012, the Committee, after analyzing the available material, issued the guidelines. Since in the present case, the crucial date for determining the market value is 01.04.2010, therefore, the aforesaid proceedings are not relevant being subsequent to the date of notification under Section 4 of the 1894 Act. The land owners have also produced a policy for rehabilitation and resettlement of the land owners-land acquisition oustees which also does not help the Court in determining the market value in the present case. The land owners have also produced the judgment passed by the Reference Court in the cases arising from village Nizampur Khurd which has already been upheld by this Court.

4.5 Heard the learned counsel for the parties at length and with their able assistance, perused the paper-books of the lead cases as well as the record which was requisitioned.

**5. ARGUMENTS OF THE LEARNED COUNSELS
REPRESENTING THE PARTIES**

5.1 On the one hand, the learned Senior counsel representing the

HSIIDC has contended that the land owners, in these appeals, have failed to produce the sale deeds which have been relied upon by this Court while deciding the appeals arising from the village Nizampur Khurd, therefore, the same market value cannot be assessed whereas on the other hand, the learned counsel representing the land owners have contended that as the notification under Section 4 and 6 of the 1894 Act, the assessment made by the Land Acquisition Collector (hereinafter referred to as “the LAC”) and the amount assessed by the Reference Court, are common and identical in all the appeals, therefore, the land owners are entitled to the same market value for the acquired land. Mr. Anupam Gupta, learned senior counsel appearing for the landowners has submitted that once the purpose of the acquisition is common and the entire chunk of land is in contiguity and also the various villages are contiguous to each other, then in the peculiar facts of the case, the same amount is required to be assessed.

5.2 It is noted here that Mr. Navneet Singh, the learned counsel appearing for the land owners, has drawn the attention of the Court to the application for leading additional evidence which was allowed and the land owners were permitted to produce a sale deed dated 26.06.2009 with respect to the sale of the land measuring 1 kanal and 2 marlas, situated in village Gopalpur which was executed for a consideration of ₹21,47,000/- per acre. The learned counsel submits that the average per acre price of the acquired land comes to ₹1,56,18,181/- according to the relevant sale deeds, which is higher than the determined amount.

5.3 Mr. Shilak Ram Hooda, another learned counsel appearing for the land owners has further contended that the sale deeds of lesser amount

than the amount awarded by the LAC cannot be taken into consideration.

6. DISCUSSION

6.1 This Court, while examining the sale exemplars produced in the appeals arising from the village Nizampur Khurd, has examined the matter from various angles. In the considered view of this Court, merely because the land owners have failed to produce all the sale deeds which were produced in the previously decided case that in itself cannot be used as a ground in order to deprive the landowners of the appropriate market value, particularly when the landowners are similarly placed in all other aspects. It has clearly been shown in evidence that the purpose of acquisition is the same. The notification under Section 4 and 6 of the 1894 Act is common. The LAC has assessed the market value of the acquired land at the same rate. The Reference Court has also determined the market value of the acquired land situated in different villages at par. It is further observed that in all these cases, most of the sale deeds produced to prove the market value are common with that of the cases arising from the village Nizampur Khurd. Therefore, in all respects, parity has been maintained amongst the owners whose land, located in the various villages, has been acquired under the same notification. It has also come in evidence that the piece of land of the entire acquisition is in a rectangular shape and the chunk of the land is located in different villages which are contiguous to each other. There is, thus, continuity of land in the entire chunk. There is no evidence on record that the land situated in village Gopalpur or in other villages is in any way inferior in geographical location or in quality to that of the land in village Nizampur Khurd. However, the learned counsels representing the owners

could not advance any meaningful argument while drawing the attention of the Court towards any material evidence to prove that the owners of these villages are entitled to a higher amount when compared to the amount awarded to the owners of village Nizampur Khurd.

6.2 As regards the additional evidence, the sale deed is subsequent to the date of the concerned notification under Section 4 of the 1894 Act as in all these cases, the crucial date for assessment of the market value of the acquired land is 01.04.2010. Therefore, the said sale deed cannot be considered.

6.3 Keeping in view the aforesaid discussion, the assessment made by the Reference Court is considered appropriate and therefore, finding no merit, all the appeals as well as the cross-appeals/cross-objections, if any, are hereby dismissed.

6.4 The miscellaneous application(s) pending, if any, shall also stand disposed of.

(Anil Kshetarpal)
Judge

October 06, 2021
“DK”

Whether speaking/reasoned :Yes/No
Whether reportable : Yes/No

S. No.	Case Number	Party Name
1.	RFA-1060-2020	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED V/S RAVINDER AND OTHERS
2.	RFA-1061-2020	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LTD. V/S AZAD SINGH AND OTHERS
3.	RFA-1063-2020	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED V/S PREM PARKASH AND OTHERS

S. No.	Case Number	Party Name
4.	RFA-1064-2020	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED V/S SAT NARAIN AND OTHERS
5.	RFA-1065-2020	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED V/S SANDEEP AND OTHERS
6.	RFA-1066-2020	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED V/S ANAND AND OTHERS
7.	RFA-1067-2020	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED V/S VIKAS AND OTHERS
8.	RFA-1068-2020	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED V/S OM PARKASH AND OTHERS
9.	RFA-1069-2020	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED V/S MUKESH AND OTHERS
10.	RFA-1070-2020	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED V/S ZILE SINGH AND OTHERS
11.	RFA-1071-2020	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED V/S PREM PRAKASH AND OTHERS
12.	RFA-1072-2020	HSIIDC V/S RAJESH AND OTHERS
13.	RFA-1073-2020	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT LTD. V/S RAM CHANDER AND OTHERS
14.	RFA-1075-2020	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED V/S OMPARKASH AND OTHERS
15.	RFA-1076-2020	HSIIDC V/S JITENDER AND OTHERS
16.	RFA-1077-2020	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED V/S JAI KISHAN AND OTHERS
17.	RFA-1078-2020	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED V/S VIJAY SINGH AND OTHERS
18.	RFA-1079-2020	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED V/S OM PRAKASH AND OTHERS
19.	RFA-1080-2020	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED V/S RAJ KUMAR AND OTHERS
20.	RFA-1081-2020	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED V/S JAI SINGH AND OTHERS
21.	RFA-1082-2020	HSIIDC V/S LAKHI RAM AND OTHERS

S. No.	Case Number	Party Name
22.	RFA-1083-2020	HSI IDC V/S RANDHIR SINGH AND OTHERS
23.	RFA-1084-2020	HSI IDC V/S KULDEEP AND OTHERS
24.	RFA-1085-2020	HSI IDC V/S BHOOP SINGH AND OTHERS
25.	RFA-1086-2020	HSI IDC V/S SMT. DHANPATI NOW DECEASED THROUGH HIS LRS
26.	RFA-1087-2020	HSI IDC V/S RAJENDER SINGH AND OTHERS
27.	RFA-1088-2020	HSI IDC V/S CHANDER AND OTHERS
28.	RFA-1089-2020	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED V/S KULDEEP AND OTHERS
29.	RFA-1090-2020	HSI IDC V/S SANDEEP AND OTHERS
30.	RFA-1091-2020	HSI IDC V/S BHOOP SINGH AND OTHERS
31.	RFA-1092-2020	HSI IDC V/S RAMESH CHANDER AND OTHERS
32.	RFA-1093-2020	HSI IDC V/S RAJ SINGH AND OTHERS
33.	RFA-1094-2020	HSI IDC V/S SARDAR SINGH (DECEASED) THROUGH HIS LR's AND OTHERS
34.	RFA-1095-2020	HSI IDC V/S BRAHMJEET AND OTHERS
35.	RFA-1096-2020	HSI IDC V/S KULDEEP AND OTHERS
36.	RFA-1097-2020	HSI IDC V/S ANIL KUMAR AND OTHERS
37.	RFA-1098-2020	HSI IDC V/S AZAD SINGH AND OTHERS.
38.	RFA-1099-2020	HSI IDC V/S BANI SINGH AND OTHERS.
39.	RFA-1100-2020	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED V/S MEHAR SINGH AND OTHERS.
40.	RFA-1102-2020	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED V/S ANIL KUMAR AND OTHERS
41.	RFA-1104-2020	HSI IDC V/S JAGDEEP AND OTHERS.
42.	RFA-1105-2020	HSI IDC V/S RAJ SINGH AND OTHERS.
43.	RFA-1106-2020	HSI IDC V/S SHEKER AND OTHERS
44.	RFA-1107-2020	HSI IDC V/S SUMER SINGH AND OTHERS.
45.	RFA-1108-2020	HSI IDC V/S SMT. BIMLA AND OTHERS.
46.	RFA-1109-2020	HSI IDC V/S JATI SINGH @ JEET SINGH @ OTHERS.
47.	RFA-1110-2020	HSI IDC V/S CHAND RAM AND OTHERS.
48.	RFA-1111-2020	HSI IDC V/S KULDEEP AND OTHERS.
49.	RFA-1112-2020	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED V/S JAGBIR AND OTHERS.
50.	RFA-1113-2020	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED V/S SANJAY AND OTHERS
51.	RFA-1114-2020	HSI IDC V/S RAMESHWAR (SINCE DECEASED) THROUGH LRS. AND OTHERS.
52.	RFA-1140-2020	HARYANA STATE INDUSTRIAL AND

S. No.	Case Number	Party Name
		INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED V/S SATBIR SINGH DECEASED THROUGH LRS AND OTHERS
53.	RFA-717-2020	RAJ KUMAR AND OTHERS V/S STATE OF HARYANA AND OTHERS
54.	RFA-718-2020	JAI SINGH AND ANOTHER V/S STATE OF HARYANA AND OTHERS
55.	RFA-719-2020	CHAND RAM V/S STATE OF HARYANA AND OTHERS
56.	RFA-720-2020	SAT NARAIN V/S STATE OF HARYANA AND OTHERS
57.	RFA-721-2020	SAT NARAIN AND OTHERS V/S STATE OF HARYANA AND OTHERS
58.	RFA-754-2020	VIJAY SINGH AND OTHERS V/S STATE OF HARYANA AND OTHERS
59.	RFA-763-2020	RAMESH CHANDER AND ANOTHER V/S STATE OF HARYANA AND OTHERS
60.	RFA-766-2020	JATI SINGH AND ANOTHER V/S STATE OF HARYANA AND OTHERS
61.	RFA-767-2020	ANIL KUMAR AND ANOTHER V/S STATE OF HARYANA AND OTHERS
62.	RFA-768-2020	RAJ SINGH AND OTHERS V/S STATE OF HARYANA AND OTHERS
63.	RFA-771-2020	SHEKER AND OTHERS V/S STATE OF HARYANA AND OTHERS
64.	RFA-772-2020	JITENDER AND ANOTHER V/S STATE OF HARYANA AND OTHERS
65.	RFA-780-2020	JAI BHAGWAN V/S STATE OF HARYANA AND OTHERS
66.	RFA-884-2020	CHANDER AND OTHERS V/S STATE OF HARYANA AND OTHERS
67.	RFA-896-2020	AZAD SINGH AND ANOTHER V/S STATE OF HARYANA AND OTHERS
68.	RFA-925-2020	BANI SINGH SINCE DECEASED THROUGH LRS AND OTHERS V/S STATE OF HARYANA AND OTHERS
69.	RFA-946-2020	RANDHIR SINGH AND OTHERS V/S STATE OF HARYANA AND OTHERS
70.	RFA-959-2020	JAGBIR V/S STATE OF HARYANA AND OTHERS
71.	RFA-1103-2020	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED V/S JAI BHAGWAN AND OTHERS
72.	RFA-849-2020	SMT. KAMLA AND OTHERS V/S STATE OF HARYANA AND OTHERS
73.	RFA-947-2020	OM PARKASH AND OTHERS V/S HARYANA GOVERNMENT THROUGH COLLECTOR
74.	RFA-963-2020	RAVINDER AND OTHERS V/S STATE OF HARYANA

S. No.	Case Number	Party Name
		AND OTHERS
75.	RFA-1117-2020	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORP. LTD. V/S SMT. KAMLA AND OTHERS
76.	RFA-1119-2020	HSI IDC V/S SHIV MANDIR GRAM VIKAS PRISHAD AND OTHERS
77.	RFA-1120-2020	HSI IDC V/S SANJAY AND OTHERS
78.	RFA-1127-2020	HSI IDC V/S OM PARKASH AND OTHERS
79.	RFA-1130-2020	HSI IDC V/S RAVINDER AND OTHERS
80.	RFA-1193-2021	SMT. DHANPATI DECEASED THROUGH LRS V/S STATE OF HARYANA AND OTHERS
81.	RFA-1243-2021	SMT. MAMTA V/S STATE OF HARYANA AND OTHERS
82.	RFA-1322-2021	JAI PAL SINGH AND ANOTHER V/S STATE OF HARYANA AND OTHERS
83.	RFA-1328-2021	UMED SINGH AND ANOTHER V/S STATE OF HARYANA AND OTHERS
84.	RFA-1329-2021	SANJAY AND OTHERS V/S STATE OF HARYANA AND OTHERS
85.	RFA-1334-2021	BALRAJ SINGH V/S STATE OF HARYANA AND OTHERS
86.	RFA-1342-2021	SUMER SINGH AND ANOTHER V/S STATE OF HARYANA AND OTHERS
87.	RFA-1344-2021	BANSI LAL V/S STATE OF HARYANA AND OTHERS
88.	RFA-1347-2021	DEEPAK AND OTHERS V/S STATE OF HARYANA AND OTHERS
89.	RFA-1348-2021	MAHA SINGH SINCE DECEASED THROUGH LRS V/S STATE OF HARYANA AND OTHERS
90.	RFA-1349-2021	SMT. BIMLA AND OTHERS V/S STATE OF HARYANA AND OTHERS
91.	RFA-1354-2021	ANIL KUMAR AND ANOTHER V/S STATE OF HARYANA AND OTHERS
92.	RFA-1357-2021	RAM KUMAR AND OTHERS V/S STATE OF HARYANA AND OTHERS
93.	RFA-1362-2021	MEHAR SINGH AND OTHERS V/S STATE OF HARYANA AND OTHERS
94.	RFA-1367-2021	RAM KISHAN AND ANOTHER V/S STATE OF HARYANA AND OTHERS
95.	RFA-1385-2021	JAGDEEP AND OTHERS V/S STATE OF HARYANA AND OTHERS
96.	RFA-1390-2021	SARDAR SINGH (SINCE DECEASED) THROUGH HIS LRS AND OTHERS V/S STATE OF HARYANA AND OTHERS
97.	RFA-1392-2021	JAI KISHAN V/S STATE OF HARYANA AND OTHERS
98.	RFA-1396-2021	RAJENDER SINGH SINCE DECEASED THROUGH LRS AND OTHERS V/S STATE OF HARYANA AND

S. No.	Case Number	Party Name
		OTHERS
99.	RFA-1398-2021	OM PARKASH AND ANOTHER V/S STATE OF HARYANA AND OTHERS
100.	RFA-1400-2021	LAIK RAM AND OTHERS V/S STATE OF HARYANA AND OTHERS
101.	RFA-1402-2021	ZILE SINGH AND OTHERS V/S STATE OF HARYANA AND OTHERS
102.	RFA-1428-2021	BALBIR SINGH (SINCE DECEASED) THROUGH LRS AND ANOTHER V/S STATE OF HARYANA AND OTHERS
103.	RFA-958-2020	ADHISWAR JAIN V/S STATE OF HARYANA AND OTHERS
104.	RFA-960-2020	RAVINDER KUMAR JAIN V/S STATE OF HARYANA AND OTHERS
105.	RFA-961-2020	VINOD KUMAR JAIN V/S STATE OF HARYANA AND OTHERS
106.	RFA-962-2020	SONAL JAIN V/S STATE OF HARYANA AND OTHERS
107.	RFA-1040-2020	HSI IDC V/S DEEPAK AND OTHERS
108.	RFA-1041-2020	HSI IDC V/S MAHA SINGH AND OTHERS
109.	RFA-1042-2020	HSI IDC V/S JAI PAL SINGH AND OTHERS
110.	RFA-1043-2020	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED V/S VINOD KUMAR JAIN AND OTHERS
111.	RFA-1044-2020	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED V/S ADHISWAR JAIN AND OTHERS
112.	RFA-1045-2020	HSI IDC V/S BANSI LAL AND OTHERS
113.	RFA-1046-2020	HSI IDC V/S RAM KUMAR AND OTHERS
114.	RFA-1047-2020	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED V/S RAVINDER KUMAR JAIN AND OTHERS
115.	RFA-1048-2020	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED V/S UMED SINGH AND OTHERS
116.	RFA-1049-2020	HSI IDC V/S BALBIR SINGH SINCE DECEASED THROUGH LRS AND OTHERS
117.	RFA-1050-2020	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED V/S LAIK RAM AND OTHERS
118.	RFA-1051-2020	HSI IDC V/S RAM KISHAN AND OTHERS
119.	RFA-1052-2020	HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED V/S SONAL JAIN AND OTHERS
120.	RFA-2035-2021	VIKAS AND OTHERS V/S STATE OF HARYANA AND OTHERS

S. No.	Case Number	Party Name
121.	RFA-2036-2021	SANDEEP V/S STATE OF HARYANA AND OTHERS
122.	RFA-2037-2021	KULDEEP AND OTHERS V/S STATE OF HARYANA AND OTHERS
123.	RFA-2038-2021	KULDEEP AND OTHERS V/S STATE OF HARYANA AND OTHERS
124.	RFA-2039-2021	PREM PARKASH V/S STATE OF HARYANA AND OTHERS
125.	RFA-2040-2021	MUKESH V/S STATE OF HARYANA AND OTHERS
126.	RFA-2041-2021	BABITA DEVI V/S STATE OF HARYANA AND OTHERS
127.	RFA-2042-2021	AZAD SINGH V/S STATE OF HARYANA AND OTHERS
128.	RFA-2043-2021	RAM CHANDER AND OTHERS V/S STATE OF HARYANA AND OTHERS
129.	RFA-2044-2021	RAJESH V/S STATE OF HARYANA AND OTHERS
130.	RFA-2045-2021	RAVINDER AND ANOTHER V/S STATE OF HARYANA AND OTHERS
131.	RFA-2046-2021	OM PARKASH AND ANOTHER V/S STATE OF HARYANA AND OTHERS
132.	RFA-2047-2021	KULDEEP AND OTHERS V/S STATE OF HARYANA AND OTHERS
133.	RFA-2048-2021	OM PARKASH V/S STATE OF HARYANA AND OTHERS
134.	RFA-2049-2021	PREM PARKASH V/S STATE OF HARYANA AND OTHERS
135.	RFA-2050-2021	BHOOP SINGH AND OTHERS V/S STATE OF HARYANA AND OTHERS
136.	RFA-2051-2021	BHOOP SINGH AND OTHERS V/S STATE OF HARYANA AND OTHERS
137.	RFA-2052-2021	RAJ SINGH AND OTHERS V/S STATE OF HARYANA AND OTHERS
138.	RFA-2053-2021	SANDEEP @ SANDEEP SINGH AND ANOTHER V/S STATE OF HARYANA AND OTHERS
139.	RFA-2054-2021	SATBIR SINGH (DECEASED) THROUGH HIS LRS AND OTHERS V/S STATE OF HARYANA AND OTHERS
140.	RFA-2055-2021	ANAND V/S STATE OF HARYANA AND OTHERS
141.	RFA-2056-2021	SANDEEP @ SANDEEP SINGH AND ANOTHER V/S STATE OF HARYANA AND OTHERS
142.	RFA-2057-2021	BRAHMJEET @ BRAHMJEET SINGH AND OTHERS V/S STATE OF HARYANA AND OTHERS
143.	RFA-2058-2021	RANDHIR SINGH AND OTHERS V/S STATE OF HARYANA AND OTHERS
144.	RFA-2059-2021	VIKASH AND OTHERS V/S STATE OF HARYANA AND OTHERS