

In the High Court of Punjab and Haryana, at Chandigarh

1.

Regular First Appeal No. 1190 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Mahesh Singh and Others

... Respondent(s)
2.

Regular First Appeal No. 556 of 2020 (O&M)

Jeet Singh and Others

... Appellant(s)

Versus

State of Haryana and Others

... Respondent(s)
3.

Regular First Appeal No. 568 of 2020 (O&M)

Mahender Singh and Others

... Appellant(s)

Versus

State of Haryana and Others

... Respondent(s)
4.

Regular First Appeal No. 569 of 2020 (O&M)

Mahavir Singh (deceased) through LRs and Others

... Appellant(s)

Versus

State of Haryana and Others

... Respondent(s)
5.

Regular First Appeal No. 572 of 2020 (O&M)

Ajit Singh and Another

... Appellant(s)

Versus

State of Haryana and Others

... Respondent(s)

6.

Regular First Appeal No. 573 of 2020 (O&M)

Raj Singh

... Appellant(s)

Versus

State of Haryana and Others

... Respondent(s)
7.

Regular First Appeal No. 574 of 2020 (O&M)

Santosh and Others

... Appellant(s)

Versus

State of Haryana and Others

... Respondent(s)
8.

Regular First Appeal No. 575 of 2020 (O&M)

Harnandi Devi and Others

... Appellant(s)

Versus

State of Haryana and Others

... Respondent(s)
9.

Regular First Appeal No. 576 of 2020 (O&M)

Chhotu Ram (deceased) through LRs.

... Appellant(s)

Versus

State of Haryana and Others

... Respondent(s)
10.

Regular First Appeal No. 577 of 2020 (O&M)

Jai Shree and Others

... Appellant(s)

Versus

State of Haryana and Others

... Respondent(s)
11.

Regular First Appeal No. 723 of 2020 (O&M)

Susander Kumar

... Appellant(s)

Versus

State of Haryana and Others

... Respondent(s)

12.

Regular First Appeal No. 724 of 2020 (O&M)

Rajender (deceased) through LR's and others

... Appellant(s)

Versus

State of Haryana and Others

... Respondent(s)
13.

Regular First Appeal No. 725 of 2020 (O&M)

Sajjan Singh

... Appellant(s)

Versus

State of Haryana and Others

... Respondent(s)
14.

Regular First Appeal No. 755 of 2020 (O&M)

Surender Singh

... Appellant(s)

Versus

State of Haryana and Others

... Respondent(s)
15.

Regular First Appeal No. 756 of 2020 (O&M)

Vijay Kumar

... Appellant(s)

Versus

State of Haryana and Others

... Respondent(s)
16.

Regular First Appeal No. 758 of 2020 (O&M)

Sansar Chand

... Appellant(s)

Versus

State of Haryana and Others

... Respondent(s)
17.

Regular First Appeal No. 761 of 2020 (O&M)

Anil Kumar

... Appellant(s)

Versus

State of Haryana and Others

... Respondent(s)

- 18.**

Regular First Appeal No. 762 of 2020 (O&M)

Pawan Kumar

... Appellant(s)

Versus

State of Haryana and Others

... Respondent(s)
- 19.**

Regular First Appeal No. 769 of 2020 (O&M)

Pawan Kumar and Another

... Appellant(s)

Versus

State of Haryana and Others

... Respondent(s)
- 20.**

Regular First Appeal No. 770 of 2020 (O&M)

Bhup Singh and Others

... Appellant(s)

Versus

State of Haryana and Others

... Respondent(s)
- 21.**

Regular First Appeal No. 773 of 2020 (O&M)

Rekha and Another

... Appellant(s)

Versus

State of Haryana and Others

... Respondent(s)
- 22.**

Regular First Appeal No. 774 of 2020 (O&M)

Shyam Sunder

... Appellant(s)

Versus

State of Haryana and Others

... Respondent(s)
- 23.**

Regular First Appeal No. 775 of 2020 (O&M)

Ramrati and Others

... Appellant(s)

Versus

State of Haryana and Others

... Respondent(s)

24. Regular First Appeal No. 776 of 2020 (O&M)

Sunil Kumar and Others
... Appellant(s)
Versus
State of Haryana and Others
... Respondent(s)

25. Regular First Appeal No. 777 of 2020 (O&M)

Rajbala and Others
... Appellant(s)
Versus
State of Haryana and Others
... Respondent(s)

26. Regular First Appeal No. 778 of 2020 (O&M)

Anil Kumar and Others
... Appellant(s)
Versus
State of Haryana and Others
... Respondent(s)

27. Regular First Appeal No. 779 of 2020 (O&M)

Sarup Singh
... Appellant(s)
Versus
State of Haryana and Others
... Respondent(s)

28. Regular First Appeal No. 921 of 2020 (O&M)

Kiran Bala and Others
... Appellant(s)
Versus
State of Haryana and Others
... Respondent(s)

29. Regular First Appeal No. 1028 of 2020 (O&M)

Surat Singh (deceased) through LRs
... Appellant(s)
Versus
State of Haryana and Others
... Respondent(s)

30. Regular First Appeal No. 1030 of 2020 (O&M)

Savitri and Others
... Appellant(s)
Versus
State of Haryana and Others
... Respondent(s)

31. Regular First Appeal No. 1144 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited
... Appellant(s)
Versus
Ajit Singh and Others
... Respondent(s)

32. Regular First Appeal No. 1145 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited
... Appellant(s)
Versus
Prem Singh and Others
... Respondent(s)

33. Regular First Appeal No. 1146 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited
... Appellant(s)
Versus
Manoj Kumar and Others
... Respondent(s)

34. Regular First Appeal No. 1147 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited
... Appellant(s)
Versus
Bimla Devi alias Nirmala Devi and Others
... Respondent(s)

35.

Regular First Appeal No. 1148 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Surender Singh and Others

... Respondent(s)
36.

Regular First Appeal No. 1149 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Sansar Chand and Others

... Respondent(s)
37.

Regular First Appeal No. 1150 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Rekha and Others

... Respondent(s)
38.

Regular First Appeal No. 1151 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Renu and Others

... Respondent(s)
39.

Regular First Appeal No. 1152 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Rajbala and Others

... Respondent(s)

40.

Regular First Appeal No. 1153 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Rajender Kumar and Others

... Respondent(s)
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Regular First Appeal No. 1154 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Ajit Singh and Others

... Respondent(s)
42.

Regular First Appeal No. 1155 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Surender Kumar and Others

... Respondent(s)
43.

Regular First Appeal No. 1156 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Sheela and Others

... Respondent(s)
44.

Regular First Appeal No. 1157 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Ran Singh and Others

... Respondent(s)

45.

Regular First Appeal No. 1158 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Sombir and Others

... Respondent(s)
46.

Regular First Appeal No. 1159 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Sukhma and Others

... Respondent(s)
47.

Regular First Appeal No. 1160 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Vijay Kumar and Others

... Respondent(s)
48.

Regular First Appeal No. 1161 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Mahavir Singh and Others

... Respondent(s)
49.

Regular First Appeal No. 1162 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Kiran Bala and Others

... Respondent(s)

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Regular First Appeal No. 1163 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Harnandi Devi and Others

... Respondent(s)
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Regular First Appeal No. 1164 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Amar Singh and Others

... Respondent(s)
- 52.**

Regular First Appeal No. 1165 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Satbir Singh and Others

... Respondent(s)
- 53.**

Regular First Appeal No. 1166 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Manoj and Others

... Respondent(s)
- 54.**

Regular First Appeal No. 1167 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Shamsher Singh and Others

... Respondent(s)

- 55.**

Regular First Appeal No. 1168 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Chhotu Ram and Others

... Respondent(s)
- 56.**

Regular First Appeal No. 1169 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Amit and Others

... Respondent(s)
- 57.**

Regular First Appeal No. 1170 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Santosh and Others

... Respondent(s)
- 58.**

Regular First Appeal No. 1171 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Jagbir and Others

... Respondent(s)
- 59.**

Regular First Appeal No. 1172 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Raj Singh and Others

... Respondent(s)

- 60.**

Regular First Appeal No. 1173 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Pawan Kumar and Others

... Respondent(s)
- 61.**

Regular First Appeal No. 1174 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Surender Singh and Others

... Respondent(s)
- 62.**

Regular First Appeal No. 1175 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Krishan Kumar and Others

... Respondent(s)
- 63.**

Regular First Appeal No. 1176 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Tarif Singh and Others

... Respondent(s)
- 64.**

Regular First Appeal No. 1177 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Satbir and Others

... Respondent(s)

- 65.**

Regular First Appeal No. 1178 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Jai Shree and Others

... Respondent(s)
- 66.**

Regular First Appeal No. 1179 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Virender Singh and Others

... Respondent(s)
- 67.**

Regular First Appeal No. 1180 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Jawahar Lal and Others

... Respondent(s)
- 68.**

Regular First Appeal No. 1181 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Ranbir Singh and Others

... Respondent(s)
- 69.**

Regular First Appeal No. 1182 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Shanti and Others

... Respondent(s)

70.	Regular First Appeal No. 1183 of 2020 (O&M)
Haryana State Industrial and Infrastructure Development Corporation Limited	... Appellant(s)
	Versus
Ram Kumar and Others	... Respondent(s)
71.	Regular First Appeal No. 1184 of 2020 (O&M)
Haryana State Industrial and Infrastructure Development Corporation Limited	... Appellant(s)
	Versus
Sanjay and Others	... Respondent(s)
71.	Regular First Appeal No. 1185 of 2020 (O&M)
Haryana State Industrial and Infrastructure Development Corporation Limited	... Appellant(s)
	Versus
Susander Kumar and Others	... Respondent(s)
72.	Regular First Appeal No. 1186 of 2020 (O&M)
Haryana State Industrial and Infrastructure Development Corporation Limited	... Appellant(s)
	Versus
Dharam Singh and Others	... Respondent(s)
73.	Regular First Appeal No. 1187 of 2020 (O&M)
Haryana State Industrial and Infrastructure Development Corporation Limited	... Appellant(s)
	Versus
Anil Kumar and Others	... Respondent(s)

74.

Regular First Appeal No. 1188 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Surat Singh and Others

... Respondent(s)
75.

Regular First Appeal No. 1191 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Mahender Singh and Others

... Respondent(s)
76.

Regular First Appeal No. 1192 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Sarita and Others

... Respondent(s)
77.

Regular First Appeal No. 1193 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Mahavir Singh and Others

... Respondent(s)
78.

Regular First Appeal No. 1194 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Jeet Singh and Others

... Respondent(s)

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Regular First Appeal No. 1195 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Jai Singh and Others

... Respondent(s)
- 80.**

Regular First Appeal No. 1196 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Shyam Sunder and Others

... Respondent(s)
- 81.**

Regular First Appeal No. 1197 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Sajjan Singh and Others

... Respondent(s)
- 82.**

Regular First Appeal No. 1198 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Mahender Singh and Others

... Respondent(s)
- 83.**

Regular First Appeal No. 1199 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Rajbala and Others

... Respondent(s)

84.

Regular First Appeal No. 1200 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Shri Vardhan Cartons Pvt. Ltd. and Others

... Respondent(s)
85.

Regular First Appeal No. 1201 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Mamta and Others

... Respondent(s)
86.

Regular First Appeal No. 1202 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Kamlesh and Others

... Respondent(s)
87.

Regular First Appeal No. 1203 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Hariom alias Om Parkash and Others

... Respondent(s)
88.

Regular First Appeal No. 1204 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Anil Kumar and Others

... Respondent(s)

89.

Regular First Appeal No. 1205 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Mudit and Others

... Respondent(s)

90.

Regular First Appeal No. 1206 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Sarup Singh and Others

... Respondent(s)

91.

Regular First Appeal No. 1207 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Prem Lata and Others

... Respondent(s)

92.

Regular First Appeal No. 1208 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Anamika Verma and Others

... Respondent(s)

93.

Regular First Appeal No. 1209 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Ajit Kaur and Others

... Respondent(s)

94.

Regular First Appeal No. 1210 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Bhup Singh and Others

... Respondent(s)
95.

Regular First Appeal No. 1211 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Sunil Kumar and Others

... Respondent(s)
96.

Regular First Appeal No. 1212 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Ramrati and Others

... Respondent(s)
97.

Regular First Appeal No. 1213 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Asha and Others

... Respondent(s)
98.

Regular First Appeal No. 1214 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Pawan Kumar and Others

... Respondent(s)

- 99.**

Regular First Appeal No. 1215 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Rajender and Others

... Respondent(s)
- 100.**

Regular First Appeal No. 1216 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Savitri and Others

... Respondent(s)
- 101.**

Regular First Appeal No. 1217 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Virender Singh and Others

... Respondent(s)
- 102.**

Regular First Appeal No. 1218 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Raj Singh and Others

... Respondent(s)
- 103.**

Regular First Appeal No. 1219 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation Limited

... Appellant(s)

Versus

Mahender Singh and Others

... Respondent(s)

AND

104. Regular First Appeal No. 1220 of 2020 (O&M)

Haryana State Industrial and Infrastructure Development Corporation
Limited

... Appellant(s)

Versus

Virender Singh and Others

... Respondent(s)

DATE OF DECISION: 22.03.2021

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Ashwani Kumar Chopra, Senior Advocate
with Mr. Pritam Saini and Mr. Akshit Chaudhary,
Advocates for Haryana State Industrial and Infrastructure
Development Corporation Limited.

Mr. Sudhir Aggarwal, Mr. Navneet Singh and
Mr. Harkesh Manuja, Advocates for the claimants.

Mr. R.S.Malik, Advocate
for the respondent (In RFA-1202-2020).

Anil Kshetarpal, J.

By this judgment, Regular First Appeals filed by the Haryana State Industrial and Infrastructure Development Corporation Limited as well as the cross appeals filed by the erstwhile landowners, as given in the heading, shall stand disposed of.

The State Government, in order to set up an Industrial Model Township, acquired the land measuring 3300 acres approximately. A notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as “the 1894 Act”) was issued on 01.04.2010. Another notification under Section 6 of the 1894 Act was issued on 04.04.2011. The land so acquired is spread over in ten villages, namely Gopalpur, Pipli, Saidpur, Kundal, Rampur, Ferozepur Bangar, Nizampur Khurd, Sohati, Pehladpur and Barona. These appeals relate to land measuring 281 acres 4

kanals & 10 marlas situated in village Nizampur Khurd. The Land Acquisition Collector passed an award assessing the market value of the land at ₹ 35,00,000/- per acre upto the depth of 5 acres from Kharkhoda-Delhi Road and ₹ 30,00,000/- per acre for the remaining land. On receiving applications from the land owners under Section 18 of the 1894 Act, the Land Acquisition Collector forwarded the matter to the Court for determination of the market value of the acquired land. The reference under Section 18 of the 1894 Act have been decided by the Court of the Additional District Judge, Sonapat, by enhancing the market value payable to ₹ 42,00,000/- per acre with respect to the land upto the depth of 5 acres from Kharkhoda-Delhi Road and ₹37,00,000/- per acre for the remaining land.

That is how the appeals have been filed by the HSIIDC praying for the reduction in the market value assessed, whereas the owners have filed the appeals for the enhancement of the market value assessed.

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:

Ex	Sale deed No.	Date	Area	Amount Rs.	Name of village	Approximate Value per acre
P1/PW3	1497	26.10.2009	4K-16M	42,00,000/-	Sohti	70,00,000/-

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

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:

Ex	Sale deed No.	Date	Area	Amount Rs.	Name of village	Approximate Value per acre
R2	2239	15.01.2009	4K-2M	10,25,000/-	Nizampur	20,00,000/-
R3	564	25.06.2009	1 K-17 M	5,78,500/-	Nizampur Khurd	25,01,622/-
R4	1451	16.10.2009	1 K-15 M	5,47000/-	Nizampur Khurd	25,00,571/-
R5	1311	25.09.2009	2Acre 6 K-5 M	97,34,375/-	Saidpur	35,00,000/-
R6	61	20.04.2009	3K-8M	8,50,000/-	Saidpur	20,00,000/-
R7&8	2745	01.02.2010	2 Acre	50,00,000/-	Rampur	25,00,000/-
R8&9	993	21.8.2009	10 Bigha	52,06,612/-	Rampur	24,99,573/-
R10	256	25.05.2009	4B1Bishwa	15,19,000/-	Kundal	18,01,022/-
R11	31	08.04.2010	3 Bigha	15,62,500/-	Kundal	25,00,000/-
R12	05	01.04.2010	08 K	26,00,000/-	Firozpur 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.

After having given considerable thought to the respective 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

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 Firozpur 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.

(Anil Kshetarpal)
Judge

March 22, 2021
“DK”

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