

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

212

RFA-236-2018 (O&M)
and 137 connected appeals
Date of decision: 23.09.2021

FINANCIAL COMMISSIONER AND PRINCIPAL SECY. TO GOVT. OF
HRY, IRRIGATION DEPT. AND OTHERS ..Appellants

Versus

ATTAULLA KHAN (DECEASED) THR LRS AND ORS
..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Arjun Atri, Advocate
Mr. Ashish Gupta, Advocate
Mr. Rajiv Sharma, Advocate
Mr. Aditya Jain, Advocate
Mr. Rakesh Dhiman, Advocate
for the land owners.

Mr. Arun Beniwal, DAG, Haryana.
Mr. Shivendra Swaroop, AAG, Haryana.
Ms. Vibha Tewari, AAG, Haryana.

ANIL KSHETARPAL, J (Oral)

This judgment shall dispose of 138 regular first appeals detail
whereof is given at the end of the judgment, filed by the land owners as well
as the State of Haryana assailing the correctness of the three connected
awards passed on 19.08.2017, 12.09.2017 and 03.04.2018 by the Reference
Court.

The Reference Court has enhanced the market value of the

acquired land from to Rs.63,36,315/- from Rs.22,00,000/- as assessed by the Land Acquisition Collector. Thus, the Court has enhanced the market value of the acquired land by Rs.41,36,315/- per acre.

On 18.11.2013, the State of Haryana with a view to utilise the land for constructing a reservoir for irrigation purpose in the Kotla depression located within the area of Village Aakera, Tehsil Nuh, District Mewat, issued a notification under Section 4 of the Land Acquisition Act, 1894.

The Land Acquisition Collector assessed the market value of the acquired land measuring 107.1625 acres @ Rs.22,00,000/- per acre vide award No.1 dated 30.01.2015.

On the applications of the land owners, the matters were referred to the Reference Court for determination of the market value of the acquired land. The parties were permitted to lead the evidence. The land owners as well as the State of Haryana produced certified copies of the various sale deeds in support of their respective claims.

Heard the learned counsel for the parties at length and with their able assistance perused the awards passed by the Reference Court and the requisitioned record of the Reference Court.

At the outset, it is shocking that the Reference Court has not even referred to the documentary evidence (copies of the sale deeds) produced by the State of Haryana. The State has produced and proved the

copies of the following sale deeds:-

Sr. No.	Village	Ex. No.	Sale deed no. and date	Area	Amount in Rs.	Price/Acre	Distance (in km)	Annexure
1	Akera	R-1	4675 22.02.2013	16k 1m	4200000/-	2093457/-	1.58 km Crow fly distance	Agriculture land
2	Akera	R-2	2628 21.08.2013	5k 10m	1444000/-	2100363/-	0.50 km Crow fly distance	Agriculture land
3	Akera	R-3	3211 25.09.2013	6k	1581600/-	2108800/-	3.67 km Crow fly distance	Agriculture land
4	Akera	R-4	2615 21.08.2013	10k 5 m	2691000/-	2100292/-	3.67 km Crow fly distance	Agriculture land
5	Akera	R-5	4072 10.01.2013	6k 1m	460000/-	59S373/-	3.59 km Crow fly distance	Agriculture land

The learned counsels were given opportunity to verify this fact from the record. They, after going through the record, have stated that the sale deeds referred to above have not been adverted to by the Reference Court.

While determining the market value, the Court is required to assess 'just', 'appropriate' and 'adequate' market value on the basis of evidence led by the parties. Once it is not in dispute that the learned Reference Court has failed to take note of the documentary evidence led by the State, this

Court is left with no choice except to set aside the awards given by the Reference Court. Hence, all the appeals filed by the land owners as well as the State of Haryana are allowed; the various awards under challenge are set aside; and the matters are remitted back to the Reference Court. The Reference Court is requested to decide the matter afresh after granting opportunity to the parties to lead any further evidence, if prayed for within a period of 9 months from the date fixed for appearance of the parties.

The parties through their counsels are directed to appear before the Reference Court on 08.10.2021. The record be remitted to the Reference Court forthwith.

All the pending miscellaneous applications, if any, are also disposed of.

23.09.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE

Sr. No.	Case No.	Party Name
1	RFA-237-2018	FINANCIAL COMM. PRINCIPAL SECY. TO GOVT OF HRY, IRR DEPT CHD & ORS V/S SABIR HUSSAIN AND ORS
2	RFA-238-2018	FINANCIAL COMM. PRINCIPAL SECY. TO GOVT OF HRY, IRR DEPT CHD AND ORS V/S YAKUB
3	RFA-239-2018	STATE OF HARYANA AND OTHERS V/S MOHAMED HASAM
4	RFA-240-2018	STATE OF HARYANA AND OTHERS V/S MOHAMED IIYAS DECEASED THROUGH HIS LRS

5	RFA-241-2018	STATE OF HARYANA AND OTHERS V/S NASRUDDIN @ NASRU AND ANOTHER
6	RFA-382-2018	FINANCIAL COMM. PRIN. SECY. TO GOVT OF HRY, IRRIGATION DEPT CHD & ORS V/S FARUKH AND ORS
7	RFA-383-2018	FINANCIAL COMM. PRIN. SECY. TO GOVT OF HRY, IRRIGATION DEPT CHD & ORS V/S MOHAMED FARUKH AND ORS
8	RFA-384-2018	FINANCIAL COMM. PRIN. SECY. TO GOVT OF HRY, IRRIGATION DEPT CHD & ORS V/S SMT. YASINI
9	RFA-385-2018	FINANCIAL COMM. PRIN. SECY. TO GOVT OF HRY, IRRIGATION DEPT CHD & ORS V/S HARUN AND ORS
10	RFA-387-2018	STATE OF HARYANA AND OTHERS V/S JAMIL AHMED AND OTHERS
11	RFA-388-2018	STATE OF HARYANA AND OTHERS V/S ATRU AND OTHERS
12	RFA-395-2018 SULEMAN	FINANCIAL COMM. PRINCIPAL SECY. TO GOVT OF HRY, IRR DEPT CHD & ORS V/S MOHAMED SULEMAN
13	RFA-396-2018	FINANCIAL COMM. PRINCIPAL SECY. TO GOVT OF HRY, IRR DEPT CHD & ORS V/S HAJIR AHMED AND ORS
14	RFA-397-2018	FINANCIAL COMM. PRINCIPAL SECY. TO GOVT OF HRY, IRR DEPT CHD & ORS V/S MOHAMED SAHOOD DEACSED THROUGH HIS LRS AND OTHERS
15	RFA-398-2018	FINANCIAL COMM. PRINCIPAL SECY. TO GOVT OF HRY, IRR DEPT CHD & ORS V/S AKHTAR AND ORS
16	RFA-399-2018	FINANCIAL COMM. PRINCIPAL SECY. TO GOVT OF HRY, IRR DEPT CHD & ORS V/S MUSTAQ AHMED AND ORS
17	RFA-400-2018	STATE OF HARYANA AND OTHERS V/S NASRUDDIN DECEASED THROUGH HIS LRS AND ANR
18	RFA-408-2018	STATE OF HARYANA AND OTHERS V/S ASGAR KHAN AND ORS
19	RFA-409-2018	STATE OF HARYANA AND OTHERS V/S ARSHAD HUSSAIN AND ORS
20	RFA-410-2018	STATE OF HARYANA AND OTHERS V/S AJMAT KHAN AND ORS
21	RFA-411-2018	STATE OF HARYANA AND OTHERS V/S ASGAR KHAN AND ORS

22	RFA-414-2018	FINANCIAL COMM. PRINCIPAL SECY. TO GOVT OF HRY, IRR DEPT CHD & ORS V/S SAHABUDDIN AND ORS
23	RFA-305-2018	STATE OF HARYANA AND OTHERS V/S IDRISH AND ORS
24	RFA-306-2018	STATE OF HARYANA AND OTHERS V/S NASRUDDIN AND ANR
25	RFA-307-2018	STATE OF HARYANA AND OTHERS V/S NAJIR AHMED AND ORS
26	RFA-308-2018	STATE OF HARYANA AND OTHERS V/S MUNTAJIR AND ORS
27	RFA-309-2018	STATE OF HARYANA AND OTHERS V/S YUNUS AND ORS
28	RFA-310-2018	STATE OF HARYANA AND OTHERS V/S DESH RAJ
29	RFA-311-2018	STATE OF HARYANA AND OTHERS V/S JAN MOHAMED AND ORS
30	RFA-183-2018	FINANCIAL COMMISSIONER AND PRINCIPAL SECY. TO GOVT. OF HRY IRRIGATION DEPT. CHD.AND OTHERS V/S JAMILA
31	RFA-184-2018	FINANCIAL COMM. PRINCIPAL SECY. TO GOVT OF HRY, IRR DEPT CHD & ORS V/S SABIR HUSSAIN AND ORS
32	RFA-185-2018	STATE OF HARYANA AND OTHERS V/S ASI MOHAMED
33	RFA-186-2018	FINANCIAL COMM. PRINCIPAL SECY. TO GOVT OF HRY, IRR DEPT CHD & ORS V/S MOHAMED AND OTHERS
34	RFA-187-2018	STATE OF HARYANA AND OTHERS V/S DEENU
35	RFA-188-2018	STATE OF HARYANA AND OTHERS V/S ABDUL WAHID
36	RFA-189-2018	FINANCIAL COMM. PRINCIPAL SECY. TO GOVT OF HRY, IRR DEPT CHD & ORS V/S MOHAMED MUBIN AND ORS
37	RFA-190-2018	STATE OF HARYANA AND OTHERS V/S MOHAMED AHSAN AND OTHERS
38	RFA-191-2018	STATE OF HARYANA AND OTHERS V/S KASAM
39	RFA-192-2018	FINANCIAL COMM. PRINCIPAL SECY. TO GOVT OF HRY, IRR DEPT CHD & ORS V/S BARAFAT

40	RFA-193-2018	FINANCIAL COMM. PRINCIPAL SECY. TO GOVT OF HRY, IRR DEPT CHD & ORS V/S MOHAMEDAND ANR
41	RFA-194-2018	STATE OF HARYANA AND OTHERS V/S MOHAMED ILYAS DECEASED THROUGH HIS LRS
42	RFA-195-2018	STATE OF HARYANA AND OTHERS V/S ISRAIL AND OTHERS
43	RFA-196-2018	FINANCIAL COMMISSIONER AND PRINCIPAL SECY. TO GOVT. OF HRY IRRIGATION DEPT. CHD.AND OTHERS V/S MOHAMED IQBAL
44	RFA-197-2018	STATE OF HARYANA AND OTHERS V/S SUFIYAN AND ORS
45	RFA-198-2018	STATE OF HARYANA AND OTHERS V/S UMMARDIN AND OTHERS
46	RFA-199-2018	FINANCIAL COMMISSIONER AND PRINCIPAL SECY. TO GOVT. OF HRY IRRIGATION DEPT. CHD.AND OTHERS V/S JAHAJBI
47	RFA-200-2018	STATE OF HARYANA AND OTHERS V/S SARDAR KHAN DECEASED THROUGH HIS LRS
48	RFA-201-2018	STATE OF HARYANA AND OTHERS V/S MOHAMED ILYAS DECEASED THROUGH HIS LRS
49	RFA-202-2018	STATE OF HARYANA AND OTHERS V/S ALLA BUX
50	RFA-203-2018	FINANCIAL COMMISSIONER AND PRINCIPAL SECY. TO GOVT. OF HRY IRRIGATION DEPT. AND OTHERS V/S ABDUL WAHID
51	RFA-204-2018	STATE OF HARYANA AND OTHERS V/S MOHAMED SULEMAN
52	RFA-276-2018	STATE OF HARYANA AND OTHERS V/S AYUB KHAN AND ORS
53	RFA-277-2018	STATE OF HARYANA AND OTHERS V/S IDRISH AND OTHERS
54	RFA-278-2018	STATE OF HARYANA AND OTHERS V/S PAWAN KUMAR
55	RFA-279-2018	FINANCIAL COMMISSIONER AND PRINCIPAL SECRETARY TO GOVERNMENT OF HARYANA IRRIGATION DEPARTMENT CHANDIGARH AND OTHERS V/S NAZIR AHMED AND OTHERS

56	RFA-280-2018	FINANCIAL COMMISSIONER AND PRINCIPAL SECRETARY TO GOVERNMENT OF HARYANA IRRIGATION DEPARTMENT CHANDIGARH AND OTHERS V/S MOHAMED USMAN AND OTHERS
57	RFA-281-2018	STATE OF HARYANA AND OTHERS V/S IBRAHIM ETC.
58	RFA-283-2018	STATE OF HARYANA AND OTHERS V/S LIYAKAT ALI
59	RFA-284-2018	STATE OF HARYANA AND OTHERS V/S TAYUB AND ORS
60	RFA-287-2018	STATE OF HARYANA AND OTHERS V/S MOHAMED ISRAIL AND ANR
61	RFA-288-2018	STATE OF HARYANA AND OTHERS V/S AYUB KHAN AND ORS
62	RFA-289-2018	STATE OF HARYANA AND OTHERS V/S ALI MOHAMED AND ORS
63	RFA-290-2018	STATE OF HARYANA AND OTHERS V/S SAMSU AND ORS
64	RFA-292-2018	FINANCIAL COMMISSIONER AND PRINCIPAL SECRETARY TO GOVERNMENT OF HARYANA IRRIGATION DEPARTMENT CHANDIGARH AND OTHERS V/S MOHAMED SAHOOD AND ORS
65	RFA-291-2018	FINANCIAL COMMISSIONER AND PRINCIPAL SECRETARY TO GOVERNMENT OF HARYANA IRRIGATION DEPARTMENT CHANDIGARH AND OTHERS V/S AAS MOHAMED AND ORS
66	RFA-613-2018	UMMARDIN AND ORS V/S FINANCIAL COMMISSIONER AND ORS
67	RFA-610-2018	MOHAMED SULEMAN V/S FINANCIAL COMMISSIONER AND ORS
68	RFA-620-2018	ISRAIL AND ORS V/S FINANCIAL COMMISSIONER AND ORS
69	RFA-606-2018	KASAM V/S FINANCIAL COMMISSIONER AND ORS
70	RFA-605-2018	ABDUL WAHID V/S STATE OF HARYANA AND ORS.
71	RFA-627-2018	ABDUL WAHID V/S DRO CUM LAC NUH AND ORS
72	RFA-621-2018	ALLA BUX V/S FINANCIAL COMMISSIONER AND ORS

73	RFA-618-2018	SUFIYAN AND ORS V/S FINANCIAL COMMISSIONER AND ORS
74	RFA-624-2018	NASRUDDIN @ NASRU AND ANR V/S FINANCIAL COMMISSIONER AND ORS
75	RFA-614-2018	MOHAMED AHSAN AND ORS V/S FINANCIAL COMMISSIONER AND ORS
76	RFA-603-2018	DEENU V/S FINANCIAL COMMISSIONER AND ORS
77	RFA-604-2018	JAHAJBI V/S FINANCIAL COMMISSIONER AND ORS
78	RFA-607-2018	YAKUB V/S FINANCIAL COMMISSIONER AND ORS
79	RFA-619-2018	MOHAMED IQBAL V/S FINANCIAL COMMISSIONER AND ORS
80	RFA-615-2018	MOHAMED MUBIN AND ORS V/S FINANCIAL COMMISSIONER AND ORS
81	RFA-625-2018	MOHAMED AND ANR V/S FINANCIAL COMMISSIONER AND ORS
82	RFA-629-2018	MOHAMED AND ANR V/S DRO CUM LAC MEWAT NUH AND ORS
83	RFA-611-2018	AAS MOHAMED V/S FINANCIAL COMMISSIONER AND ORS
84	RFA-602-2018	JAMILA V/S FINANCIAL COMMISSIONER AND ORS
85	RFA-623-2018	MOHAMED ILYAS V/S FINANCIAL COMMISSIONER AND ORS
86	RFA-609-2018	MOHAMED ILYAS V/S FINANCIAL COMMISSIONER AND ORS
87	RFA-622-2018	MOHAMED ILYAS V/S FINANCIAL COMMISSIONER AND ORS
88	RFA-626-2018	MOHAMED HASAM V/S FINANCIAL COMMISSIONER AND ORS
89	RFA-628-2018	BARAFAT V/S FINANCIAL COMMISSIONER AND ORS
90	RFA-608-2018	SABIR HUSSAIN AND ORS V/S FINANCIAL COMMISSIONER AND ORS
91	RFA-617-2018	SABIR HUSAIN AND ORS V/S FINANCIAL COMMISSIONER AND ORS
92	RFA-612-2018	ATTAULA KHAN AND ORS V/S FINANCIAL COMMISSIONER AND ORS
93	RFA-217-2018	JAMIL AHMED AND OTHERS V/S STATE OF HARYANA AND OTHERS
94	RFA-54-2018	MOHAMED SULEMAN V/S FINANCIAL COMMISSIONER AND ORS

95	RFA-508-2018	NASRUDDIN @ NASRU & ANR V/S FINANCIAL COMMISSIONER & ORS
96	RFA-211-2018	MOHAMED ISRAIL AND OTHERS V/S STATE OF HARYANA AND OTHES
97	RFA-216-2018	AYUB KHAN AND OTHERS V/S FINANACIAL COMMISSIONER AND OTHERS
98	RFA-52-2018	TAYUB AND OTHERS V/S STATE OF HARYANA AND OTHERS
99	RFA-215-2018	YASINI V/S FINANACIAL COMMISSIONER AND OTHERS
100	RFA-50-2018	MUNTAJIR AND OTHERS V/S STATE OF HARYANA AND OTHERS
101	RFA-510-2018	LIYAKAT ALI V/S FINANCIAL COMMISSIONER AND PRINCIPAL SECRETARY TO GOVERNMENT OF HARYANA IRRIGATION DEPARTMENT CHANDIGARH AND OTHERS
102	RFA-513-2018	AAS MOHAMED & ORS V/S FINANCIAL COMMISSIONER & ORS
103	RFA-507-2018	SAMSU & ORS V/S FINANCIAL COMMISSIONER & ORS
104	RFA-509-2018	NAJIR AHMED & ORS V/S FINANCIAL COMMISSIONER & ORS
105	RFA-512-2018	MOHAMED USMAN & ORS V/S FINANCIAL COMMISSIONER & ORS
106	RFA-511-2018	ARSHAD HUSSAIN & ORS V/S FINANCIAL COMMISSIONER & ORS
107	RFA-53-2018	AYUB KHAN AND OTHERS V/S STATE OF HARYANA AND OTHES
108	RFA-51-2018	ASHIK HUSSAIN AND OTHERS V/S FINANCIAL COMMISSIONER AND OTHERS
109	RFA-213-2018	ASGAR KHAN AND ORS V/S FINANCIAL COMMISSIONER AND ORS
110	RFA-214-2018	SAHABUDDIN AND ORS V/S FINANCIAL COMMISSIONER AND ORS
111	RFA-212-2018	NAJIR AHMED AND OTHERS V/S FINANCIAL COMMISSIONER AND OTHERS
112	RFA-1997-2018	IMRAN KHAN AND ORS V/S FINANCIAL COMMISSIONER HARYANA AND ORS
113	RFA-1968-2018	BUNDU AND OTHERS V/S FINANCIAL COMMISSIONER AND ORS

114	RFA-1967-2018	BUNDU AND OTHERS V/S FINANCIAL COMMISSIONER AND OTHERS
115	RFA-1795-2018	IDRISH AND OTHERS V/S STATE OF HARYANA AND OTHERS
116	RFA-3457-2018	WALI MOHAMED AND OTHERS V/S STATE OF HARYANA AND OTHERS
117	RFA-1483-2018	ALI MOHAMED AND ORS V/S STATE OF HARYANA AND ORS
118	RFA-1796-2018	HARUN AND OTHERS V/S FINANCIAL COMMISSIONER AND OTHERS
119	RFA-1797-2018	MOHAMED FARUKH AND OTHERS V/S FINANCIAL COMMISSIONER AND OTHERS
120	RFA-2244-2018	ABDUL MAJID SINCE DECEASED THRU HIS LRS AND ANOTHER V/S STATE OF HARYANA & ORS
121	RFA-3458-2018	WALI MOHAMED AND OTHERS V/S STATE OF HARYANA AND OTHERS
122	RFA-1804-2018	IBRAHIM AND OTHERS V/S STATE OF HARYANA AND OTHERS
123	RFA-1803-2018	NASRUDDIN AND OTHERS V/S STATE OF HARYANA & OTHERS
124	RFA-1801-2018	AKHTAR AND OTHERS V/S FINANCIAL COMMISSIONER AND OTHERS
125	RFA-3995-2018	MUSTAK AHMED AND OTHERS V/S FINANCIAL COMMISSIONER AND OTHERS
126	RFA-1800-2018	IDRISH AND OTHERS V/S STATE OF HARYANA AND OTHERS
127	RFA-1799-2018	YUNUS AND OTHERS V/S FINANCIAL COMMISSIONER AND OTHERS
128	RFA-1798-2018	JAN MOHAMED AND OTHERS V/S STATE OF HARYANA AND OTHERS
129	RFA-1802-2018	FARUKH AND OTHERS V/S FINANCIAL COMMISSIONER AND OTHERS
130	RFA-2079-2018	IMRAN KHAN & ORS V/S FINANCIAL COMMISSIONER HARYANA & ORS
131	RFA-2252-2018	MOHAMED SAHOOD DECEASED THRU LRS AND ORS. V/S STATE OF HARYANA AND ORS
132	RFA-503-2018	MOHAMED SAHOOD DECEASED THRU LRS AND ORS. V/S STATE OF HARYANA AND ORS.
133	RFA-793-2018	PAWAN KUMAR V/S STATE OF HARYANA & OTHERS

134	RFA-4697-2018	AYYUB KHAN AND ORS V/S STATE OF HARYANA AND ORS
135	RFA-3641-2018	KAMRUDDIN AND ORS V/S STATE OF HARYANA AND ORS
136	RFA-4696-2018	KHURSHID AHMED AND ORS V/S STATE OF HARYANA AND ORS
137	RFA-1303-2019	GRAM PANCHAYAT AKERA THROUGH ITS SARPANCH V/S STATE OF HARYANA AND OTHERS