

**RFA-926-2017 (O&M)
and connected cases**

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

RFA-926-2017 (O&M)
Date of decision:01.09.2021

Managing Director, Haryana State Industrial & Infrastructure
Development Corporation and another

....Appellants

Versus

Splendour Land Base Limited and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Prateek Sodhi, Advocate
for the appellant in RFA-1354-2016 and
for the respondents in RFA-926-2017

Mr. Puneet Bali, Senior Advocate with
Mr. Gursher Bhandal, Advocate
for Maruti Suzuki India Ltd. in RFA-2402-2017

Mr. Ashwani Chopra, Senior Advocate with
Mr. Pritam Singh Saini, Advocate and
Mr. Vishal Garg, Advocate
for the HSIIDC/appellant in RFA Nos.926 to 961, 963 to
984 and 1069 to 1075 of 2017
for the HSIIDC/respondent in RFA Nos.1105 to 1116, 1105,
1154, 1155, 1256 to 1260, 1354, 1150, 1153, 4005, 4007 of
2016 and RFA Nos.4003, 4004, 4006, 4008, 4010, 4011,
216 to 218, 1533, 1491 to 1499, 1733, 4605, 1534 to 1538
of 2017 and RFA Nos.4223, 8416, 4222, 3843, 2198, 179 of
2018 and RFA Nos.378 and 564 of 2019.

Mr. Rakesh Nehra, Senior Advocate with
Mr. Atul Ravish, Advocate
for the appellants in RFA Nos.4950, 4951 of 2016, RFA
No.332 of 2017.

Mr. S.P. Chahar, Advocate
for the appellants-landowners in RFA Nos.429 to 465, 518
to 529, 613 to 627, 678 to 681, 994 to 997, 1045, 1273 to
1276, 1628, 2354, 2355, 3146 of 2017.
for the respondents-landowners in RFA Nos.4164, 4202,
4207, 4210, 4252, 4256, 4258, 4262, 4267, 4270, 4272,

4276, 4285 to 4288, 4290, 4312, 4319, 4343, 4345, 4348, 4352, 4354, 4358, 4360, 4361, 4363, 4367, 4370, 4394, 4399 to 4404, 4407, 4412, 4416, 4425, 4426, 4428, 4431, 4452 to 4454, 4456, 4457, 4460, 4462, 4463, 4465, 4466, 4468, 4490, 4493, 4494, 4495, 4497, 4498 of 2017

Mr. Sahil Gupta, Advocate
for the respondents in RFA Nos.4452, 4074, 4453, 4461, 4455, 4481, 4618, 4457 of 2019

Mr. Nilesh Bhardwaj, Advocate
for the respondents in RFA No.943 of 2017.

Mr. N.K. Malhotra, Advocate for
Mr. Ashwani Verma, Advocate,

Mr. Sandeep K. Sharma, Advocate
Mr. Kulvir Narwal, Advocate
Mr. M.S. Rana, Advocate
Mr. Rahul Deswal, Advocate
Mr. Uday Agnihotri, Advocate
for the landowners.

Mr. Saurabh Dalal, Advocate
for the appellants in RFA Nos.4223, 4222 of 2018 and RFA Nos.2016, 2441 of 2019.
for the respondents in RFA Nos.939 and 952 of 2017.

Mr. Sudhir Hooda, Advocate
for the appellants-landowners in RFA Nos.2460, 2466, 1146 of 2017,
for the respondents-landowners in RFA Nos.4209, 4344, 4356, 4364 of 2017.

Mr. Rajiv Sharma, Advocate
for the appellants-landowners in RFA Nos.2703 of 2017 and RFA Nos.4003 to 4011 of 2016 and
for the respondents-landowners in RFA Nos.933, 961, 980, 936, 964, 931, 974, 928, 1070, 4740 of 2017
for cross-objectors in XOBJR-6-2021 in RFA-4679-2017.

Mr. Arun Beniwal, DAG, Haryana and
Mr. Shivendra Swaroop, AAG, Haryana.

ANIL KSHETARPAL, J

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

1. Through these appeals, filed under Section 54 of the Land Acquisition Act, 1894 (hereinafter referred to as the '1894 Act') a bunch of Regular First Appeals (details whereof have given on the footnote of the judgment), arising from a common judgment dated 29.09.2015 passed by Additional District Judge, Rohtak, involving an identical issue, shall stand disposed of. Learned counsel representing the parties are ad idem that all these appeals can be conveniently disposed of by a common judgment.

2.Facts:-

2.1 In order to utilize agricultural land for setting up Industrial Model Township, Rohtak, the Haryana Government issued a notification under Section 4 of the 1894 Act on 09.06.2006, proposing to acquire the land situated in the villages of Kheri Sandh and Baliana, District Rohtak. In village Kheri Sandh, 1015 kanals and 10 marlas (126 acres, 7 kanals and 10 marlas) was acquired vide award No.5 dated 30.04.2007 whereas land measuring 5848 Kanals and 1 Marla was acquired in the village of Baliana vide award no. 6 dated 15.5.2007. By this judgment, the appeals, arising from the acquisition made in the village of Kheri Sadh, shall stand disposed of. The Land Acquisition Collector assessed the market value of the land at Rs.16,00,000/- per acre whereas the Reference Court assessed the market value of land located upto the depth of 1 acre from the National Highway No. 10 @ Rs. 24,00,000/- per acre and market value of the remaining land in the village Kheri Sadh has been assessed @ Rs. 19,77,000/- pere acre.

2.2 The land owners claim that the market value of the land was

Rs.2 crore per acre. It is claimed that the acquired land is ideally located on the National Highway-10. It has further been pointed out that the land can be used for an elite urban residential area and opposite to the location of the acquired land, a residential project under the name of Sun City is coming up. At some distance, OMAXE City has also been planned. It is claimed that adjoining to the acquired land, DGV School and within a radius of 4 kms., DAV School, Indus Public School, M.D. University Campus, BM Engineering College, Baba Mast Nath MBBS College etc. are located. The acquired land falls in Sector 30-A and is surrounded by Sector 28 and 30 developed by the Haryana Urban Development Authority. The land is situated within the National Capital Region. On the other hand, the State of Haryana contested the petition while asserting that the Land Acquisition Collector has correctly assessed the market value on the basis of average of the price as per the sale deeds in the area at the relevant time. It has further been pointed out that the Government has also prepared a comprehensive rehabilitation policy, which entitles the land owners to the payment of annuity for a period of 33 years, over and above the usual land compensation, at the rate of Rs.15,000/- per acre, which will be increased by a fixed sum of Rs. 500/- per acre, every year.

2.3 On completion of the pleadings, the following issues were culled out:-

- “(1) Whether the petitioners are entitled to enhanced compensation, as claimed in their petitions? OPP
- (2) Whether the petitions are not maintainable? OPR
- (3) Whether the petitions are bad for non-joinder

- and mis-joinder of necessary parties?OPR
(4) Whether the petitions are barred by limitation?
(5) Whether the petitions are false, frivolous and
malafide? OPR
(6)Relief.”

2.4 In order to substantiate their case, the land owners examined PW1 Ashok Raj, PW 2 Vinod Kumar Halqa Patwari, PW3 Rajbir singh, Registration Clerk, PW4 Raj Kumar and PW5 Vinod Kumar Gupta. On the other hand, Sh. Krishan (Patwari), HSIIDC, IMT, Rohtak, was examined as RW1.

2.5 In order to prove their respective cases, the land owners and the State Government produced the following copies of the sale deeds as sale exemplars.

Sr. N o.	Exhibit No. (Sale Deed No.)	Date of Sale Deed	Total Sale Consideration	Land Area	Village	
1.	Ex.P1 (682)	26.06.2006	Rs.50,00,000/- Price Per Marla : Rs.15,625/- Per Acre : Rs.2,500,000/-	16 kanals	Kheri Sadh	
2.	Ex.P3 (238)	12.05.2006	Rs.4,06,500/- Per Marla : Rs.2,9035.71 Per Acre : Rs.46,45,714.22	14 Marlas	Kheri Sadh	
3.	Ex.P8 (1785)	21.12.2005	Rs.2,909,771/- Per Malra : Rs.19,929.93 Per Acre : Rs.3,188,790/-	7 Kanal 6 Marlas	Kheri Sadh	
4.	Ex.P9 (1786)	21.12.2005	Rs.5,998,911/- Per Marla : Rs.19,929.93 Per Acre : Rs.3,188,789/-	15 Kanal 2 Marlas	Kheri Sadh	
5.	Ex.R2 (225)	12.05.2006	Rs.7,82,000/- Per Marla : Rs.3,258.33 Per Acre : Rs.5,21,333/-	12 Kanal 10 Marlas	Kheri Sadh	

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6.	Ex.R3 (2742)	26.02.2007	Rs.65,83,927/- Per Marla : Rs.6,505.85 Per Acre : Rs.1,040,937/-	50 Kanal 12 Marlas	Kheri Sadh	
7.	Ex.R4 (2821)	05.03.2007	Rs.48,00,000/- Per Marla : Per Acre :		Kheri Sadh	
8.	Ex.R5 (8073)	26.02.2007	Rs.64,95,705/- Per Marla : Rs.6,528.34 Per Acre : Rs.1,044,535/-	49 Kanal 15 Marlas	Kheri Sadh	

2.6 The court below refused to take into consideration the sale deeds Ex. P1, R-3, R-4 and R-5 for the reasons that Ex.P1 is subsequent to the date of notification under Section 4 of the 1894 Act whereas sale exemplars Ex.R2, R3 and R4 and R5 were ignored on the ground that average sale price of these sale deeds is lower than the amount awarded by the Land Acquisition Collector. The court, after taking into consideration the sale deeds Ex.P8 and P-9, concluded that with respect to the land located upto 1 acre depth of the National Highway, after applying a cut of Rs.7,88,000/-, assessed the market value of the acquired land abutting the National Highway at Rs.24,00,000/- per acre, whereas with respect to remaining land, a cut of 38% was imposed and the amount was worked out at Rs.19,77,000/- per acre.

3. Submissions of Learned Counsels:-

3.1 Heard learned counsel for the parties and with their able assistance perused the paper book as well as requisitioned record. Learned Senior counsel appearing for the HSIIDC contends that the court below committed an error in refusing to take into consideration the

sale exemplars marked as Ex.R2, R3, R4 and R5 on the ground that the average price per acre of the aforesaid sale deeds is below the amount awarded by the Land Acquisition Collector. He, while drawing the attention of the court to Section 25 of the 1894 Act, contends that there is no prohibition in taking into consideration the sale exemplar(s) of the price lower than the amount awarded by the Land Acquisition Collector. While elaborating he contends that Section 25 only debars the Court from awarding amount of compensation lower than the amount awarded by the Collector. He also relies upon certain judgments passed by the Hon'ble Supreme Court in this regard. He further contends that the sale exemplars (Ex.P8 and P-9) could not be relied upon as in those cases, a colonizer company purchased the property at a higher price and there was no justification in assessing the market value of the land abutting the National Highway upto the depth of 1 acre at Rs.24,00,000/- per acre, in the absence of any cogent evidence. The court below has also erred in imposing the cut only at the rate of 38%, whereas it should be 50%.

3.2 Per contra, learned counsels representing the owners have contended that the Land Acquisition Collector did not divide the land into different belts and therefore, the entire land is required to be assessed at a uniform rate of Rs.24,00,000/- per acre. They further submitted that the sale deeds subsequent to the date of notification under Section 4 of the 1894 Act can be taken into consideration and the cut applied by the court is on the higher side and should not be more than 20%. The learned counsels have laid stress on fact that the acquired land is located in a semi urban area and that the landowners are entitled to the

amount equivalent to the value in the highest sale exemplar i.e Rs.31,88,789/- per acre.

4. Statutory Provisions:-

4.1 Before this Bench proceeds to examine the contention of the learned counsel representing the parties, it would be appropriate to notice the relevant provisions of the 1894 Act. It is provided in Section 15 of the 1894 Act that while determining the amount of compensation, the Collector shall be guided by the provisions contained in Section 23 and 24 of the 1894 Act. Hence, Section 23 to 25 of the 1894 Act are extracted as under:-

“23. Matters to be considered in determining compensation (1) In determining the amount of compensation to be awarded for land acquired under this Act, the Court shall take into consideration—
first the market-value of the land at the date of the publication of the [notification under Section 4, sub-section (1)

secondly the damage sustained by the person interested, by reason of the taking of any standing crops or trees which may be on the land at the time of the Collector's taking possession thereof;

thirdly the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of severing such land from his other land;

fourthly the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of the acquisition injuriously affecting his other property, movable or immovable, in any other manner, or his earnings;

fifthly if, in consequence of the acquisition of the land by the Collector, the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change, and

sixthly the damage (if any) *bona fide* resulting from diminution of the profits of the land between the time

of the publication of the declaration under Section 6 and the time of the Collector's taking possession of the land.

[(1-A) In addition to the market-value of the land, as above provided, the Court shall in every case award an amount calculated at the rate of twelve per centum per annum of such market-value for the period commencing on and from the date of the publication of the notification under Section 4, sub-section (1), in respect of such land to the date of the award of the Collector or the date of taking possession of the land, whichever is earlier.

Explanation.—In computing the period referred to in this sub-section, any period or periods during which the proceedings for the acquisition of the land were held up on account of any stay or injunction by the order of any court shall be excluded.]

(2) In addition to the market-value of the land, as above provided, the Court shall in every case award a sum of[thirty per centum] on such market-value, in consideration of the compulsory nature of the acquisition.

24. Matters to be neglected in determining compensation -But the Court shall not take into consideration—

first, the degree of urgency which has led to the acquisition;

secondly, any disinclination of the person interested to part with the land acquired;

thirdly, any damage sustained by him, which, if caused by a private person, would not render such person liable to a suit;

fourthly, any damage which is likely to be caused to the land acquired, after the date of the publication of the declaration under Section 6, by or in consequence of the use to which it will be put;

fifthly, any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired;

sixthly, any increase to the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put;

seventhly, any outlay or improvements on, or disposal of, the land acquired, commenced, made or effected without the sanction of the Collector after the date of the publication of the [notification under Section 4, sub-section (1)]; or

[*eighthly*, any increase to the value of the land on account of its being put to any use which is forbidden by law or opposed to public policy.]

25 Amount of compensation awarded by court not to be lower than the amount awarded by the Collector - The amount of compensation awarded by the Court shall not be less than the amount awarded by the Collector under Section 11.”

5. Analysis by the bench

5.1 It is apparent from the reading of the first part of Section 23 of the 1894 Act that the market value of the land is to be determined according to the market value prevailing at the date of publication of notification under Section 4 (1) of 1894 Act. No further guidelines for the assessment of the amount have been provided in the 1894 Act. Sub-section 1-A of section 23 of the 1894 Act provides that while determining the amount of compensation to be awarded for the land acquired, the court, apart from the market value of the land, is required to award an amount calculated at the rate of 12% per annum at such market value for the period commencing on and from the date of publication of notification under Section 4 (1) of the 1894 Act, till the date of award passed by the Collector or till the date of taking possession of the land, whichever is earlier. Under sub-section 2 of section 23 of the 1894 Act, the court, in addition to the market value of the land, is required to award a sum of 30% on such market value towards the

compulsory nature of the acquisition. Section 24 of the 1894 Act enlists the various factors which are required to be neglected in determining the market value. Section 25 of the 1894 Act provides that the court shall not award the amount of compensation which is lower than the amount awarded by the Collector.

5.2 It is clear from the reading of the aforesaid statutory provisions that while determining the market value of the acquired land, the court is required to examine the existing geographical location of the acquired land apart from its present and potential use. The Court is also required to examine as to whether the acquired land has proximity to any National Highway or State Highway Road or any developed area. The market value of the other land situated in the same locality/area or adjacent to or very near to the acquired land can also be taken into consideration by the court. While assessing the market value the Court is required to see as to what would be the price on which a willing seller would sell the land to a willing purchaser. While assessing such compensation, one of the method is to assess the market value by comparable sale method i.e. by referring to contemporaneous transactions.

5.3 While adjudicating the market value of the acquired land, the Courts are expected to award “just” and “appropriate” amount on the basis of the material available on the record. The Court is not expected to distribute the public money with largesse. It is the duty of the Court to maintain a proper equilibrium between the interest of the parties and the public interest, in general. If the Courts lean in favour of the landowners,

the government or the allottees are likely to be unnecessarily overburdened and it will result in distributing the public money without limits thereby impacting the public interest, at large whereas if the courts are inclined towards the government, it can result in undermining of just claims. Therefore, a proper balance has to be drawn guided by the facts of case and to preserve the public interest and the public resources, as a whole.

5.4 The crucial date for determination of the market value of acquired land in this case is 09.09.2006. Since the learned counsel representing the landowners failed to draw the attention of the bench to any bar or prohibition in taking into consideration the sale exemplars of the price lower than what was assessed by the Land Acquisition Collector while passing the award, hence, it is apparent that the court below erred in refusing to take into consideration the sale exemplars Ex. R2, R3, R4 and R5. However, sale deeds Ex.P1, R3, R4 and R5 are subsequent to the notification under Section 4 of the 1894 Act, therefore, they cannot be blindly relied upon to determine the market value of the land on the date of notification u/s 4 of the 1894 Act.

5.5 The sale exemplars marked as Ex.P3, P8, P9 and R2, respectively, are dated prior to the issuance of notification under Section 4 of the 1894 Act. All these sale exemplars are with respect to transactions of the land situated in the village of Kheri Sandh. The court below has refused to take into consideration the sale exemplar Ex.P3 on the ground that the aforesaid sale was of a plot of a very small area measuring 14 marlas which is only 8.75% of an acre of land. Normally,

twenty marlas of land constitute one Kanal whereas 8 Kanals of land is equivalent to one acre. In other words, each acre of land consists of 160 marlas of land. It may be noted here that the total acquisition in the village is 126 acres, 7 kanals and 10 marlas which comes to 1015 kanal and 10 marlas. Although the sale exemplar Ex.P3 is of a small area, however, the sale exemplars Ex.P8 and P9 are also not of very large pieces of land when compared. Moreover, the sale deed of a smaller area can be taken into consideration after imposing an appropriate cut. The sale deed Ex.P8 and P9 depict the average sale price at the rate of 31,88790/- per acre. Both these sale deeds are with respect to a period which is six months prior to the notification under Section 4 of the 1894 Act.

5.6 The court below has recorded a finding that the land of village Kheri Sandh is located on the National Highway-10 and the correctness whereof is not contested by the counsels before this court. It is well known that the piece of land abutting the highway is comparatively higher in value than the land located in the interior or far away from the Highway. Thus, with respect to the land situated upto the depth of an acre on the National Highway would fetch a comparatively higher price than the land located in the interior. Therefore, a uniform cut cannot be applied. In the present case, the acquisition has taken place for developing an Industrial Model Township. Ordinarily, in an industrial area, the size of the plots is comparatively larger/bigger and the amount of land likely to be reserved for common purposes/common facilities is lower when compared to a residential area. Moreover, the

sale exemplars are not of a larger area. Even the sale deeds (Ex. P8 and P9) are with respect to land measuring between one acre and two acres only. Thus, developers have purchased small pieces of land in the area. The total acquisition of land in both the villages is of more than 857 acres. The acquisition in village Kheri Sandh is itself of an area measuring more than 126 acres.

5.7 Now, let us examine the arguments of the learned counsels representing the parties. In the oral evidence produced, it has come on record that the land of village Kheri Sadh is located on the National Highway no.10 and falls within the National Capital region. It has further been stated that the land of village Kheri Sadh falls within the radius of 10 kms from the Rohtak city. On behalf of the HSIIDC, Krishan (Patwari) has deposed that some part of the land falls on the National Highway no.10 and is within the National Capital Region. Now, let us examine the sale exemplars produced by the parties. Ex.P1 is a sale deed for a land measuring 16 kanals which is sold at the rate of 50,00,000/-per acre. This sale deed is subsequent to the date of notification under Section 4 of the 1894 Act. The sale deed Ex.P3 is of a very small area measuring 403 sq. yards and as such, not material. The sale deeds i.e. Ex.P8 and P9 have been relied upon by the learned court. Through the aforesaid two sale deeds dated 25.12.2005, Uder Trees Growing Private Limited purchased the land measuring 7 kanals and 6 marlas and 15 kanal 2 marlas, respectively. The learned counsel representing the land owners have submitted that these sale deeds being of the highest market price, they should be relied upon without imposing

any cut. These sale deeds are certainly relevant exemplars. However, the court cannot overlook the sale deeds produced by the State Government. Ex.R2 is the sale deed executed on 12.05.2006 with respect to the land measuring 12 kanals and 10 marlas at the rate of Rs.5,21,333/- per acre. The land described in sale deeds Ex.R3 and R5 have been purchased by Uder Gagan Properties Private Limited vide sale deeds dated 26.2.2007, at the rate of Rs.10,40,000/- per acre. Through Ex.R3, land measuring 50 kanals and 12 marlas was sold whereas through Ex.R5, 49 kanals and 15 marlas of land was sold. The address of the purchaser Company i.e Uder Gagan Properties Private Limited the same as that of Uder Trees Growing Private Limited which is the purchaser Company in the sale deeds Ex.P8 and P9. On one side, the Company purchased through sale deeds Ex.P8 and P9, the land measuring 7 kanals, 6 marlas and 15 kanals and 2 marlas, respectively, at the rate of Rs.31,88,790/- whereas after a period of one year and two months i.e. 26.2.2007, the same Company has purchased approximately 100 kanals of land at the rate of Rs.10,40,000/- per acre. Therefore, the court is expected to take into consideration all the sale deeds. Furthermore, through sale deed Ex.R4 executed on 05.03.2007, a plot measuring 68 kanals and 6 marlas was sold at the rate of Rs.5,62,225/- per acre. On the examination of the various sale deeds, it is apparent that there is huge variation/difference in the sale prices represented by the various sale deeds. The court cannot ignore that even after the issuance of notification under Section 4 of the 1894 Act, the land in the village is being sold at the varying rates of Rs.5,62,000/- and

Rs.10,40,000/-per acre, respectively. Thus, the argument of the learned counsel representing the land owners that the sale of the highest exemplar should be relied upon, cannot be accepted.

5.8 Unfortunately, neither the land owners nor the State Government or its officials have produced a proper lay out plan indicating the location of the area represented by each of the sale exemplar to enable the court to evaluate their comparative location with the location of the area acquired. In these circumstances, the Court is left with no choice but to do guesswork. It most probably appears that the piece of land sold through Ex.P8 and Ex.P9 represents the land which was located on the National Highway no.10 and some part of the acquired land of the village Kheri Sadh abuts the National Highway-10 or is located at a very prominent place. This can be the only reasonable explanation for the huge difference/variation in the price because on perusal of Ex.R3 and R5, it is clear that a different company of the same group of Companies has purchased the land at 1/3rd of the previous price even after a period of 1 year and 3 months of the earlier purchase in the same village and that also when the HSIIDC has already started acquiring the land.

5.9 There is no doubt that certain residential projects, schools, colleges, engineering institutions, University Campus do exist and are also coming up within the radius of 4 kms. It has also come on record that the land of village Kheri Sadh is situated on the National Highway no.10 apart from being located in National Capital Region. However, that in itself is not sufficient to determine the market value accordingly.

Although the acquired land do have a potential to be used for commercial purposes, however, that alone does not help the Court in determining the price.

5.10 However, one material fact has come on record which is a clear indicator in leading the court to determine the price of some part of the land. As regards the land abutting the National Highway, the market value is comparatively higher than the remaining land. The court below has assessed the market value of the land abutting the National Highway upto the depth of 1 acre at the rate of Rs.24,00,000/- per acre. In the considered view of this Bench, the land upto the depth of one acre from the National Highway is required to be assessed at a higher rate keeping in view the sale deeds Ex.P8 and P9. Hence, after applying a cut of 10% on the amount of Rs.31,88,790/- the amount comes to Rs.28,69,910/-. Thus, the market value of the land upto the depth of 1 acre from the National Highway is revised from Rs.24,00,000/- to Rs. 28,70,000/- per acre.

5.11 However, the dilemma of the Court still continues. The question is as to what should be the market value of the remaining land. As already noticed, the sale deeds Ex.P8 and P9 cannot be blindly relied upon, particularly in view of the sale deeds Ex.R3, R4 and R5 which are after the date of notification under Section 4 of the 1894 Act. It is apparent that even after issuance of notification under Section 4 of the 1894 Act, the price of the land did not increase exponentially. It has further been noticed that these appeals were filed in the year 2017 but the payment of the amount was not stayed. More than 4 years have

already elapsed. The compensation has already been paid to the land owners.

5.12 In any case, the Court cannot overlook the fact that in village Balliyana the HSIIDC has allotted a land measuring 700 acres to Maruti Suzuki India Limited at the rate of Rs.75,00,000/- per acre vide allotment letter dated 13.08.2009 i.e. subsequent to the date of notification u/s 4 of the 1894 Act. Thus, it clearly reflects that the piece of land acquired has a great potential. No doubt, as per the provisions of Section 24 of the 1894 Act, any increase in the value of the acquired land from the use to which it is put after acquisition is to be ignored. From a careful reading of the allotment letter, it is apparent that the allottee has been made liable to level the land. No doubt, the HSIIDC would have provided infrastructural facilities like supply of electricity lines, sewerage roads, common area etc., however, this Court cannot overlook the fact that after a period of merely 3 years from the notification under section 4 of the 1894 Act, 700 acres of land out of the acquired land has been allotted at the rate of Rs.75,00,000/- per acre. Although the aforesaid transaction cannot be made the basis to determine the market value in view of bar contained in Section 24 (Fifthly) of the 1894 Act, however, the same can be taken into consideration while assessing the reasonableness of the compensation assessed by the Reference Court. Reliance in this context can be placed on the judgments in *State of Orissa Vs. Brij Lal Misra* (1995)5 SCC 203 and *Land Acquisition Officer Vs. Jasti Rohini* (1995)1 SCC 717, respectively. Furthermore, this Bench cannot overlook the fact that the

land owners stand deprived of their livelihood. Keeping in view the aforesaid facts, the assessment made by the court below with regard to the remaining part of the Village Kheri Sadh is upheld.

5.13 In view of the aforesaid discussion, apart from revising the market value of 1 acre strip of land, abutting the National Highway, to Rs.28,69,910/- per acre, the amount assessed by the Reference Court, for the remaining land, is kept intact and hence, the appeals, cross appeals and cross objections concerning the same, filed by any of the parties, are ordered to be dismissed. However, the landowners whose land fall in one acre strip abutting the National Highway shall be entitled to enhanced market value of the land alongwith all statutory benefits under Section 23 (1-A), 23 (2) and 28 of the 1894 Act.

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

01.09.2021
rekha
Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE

Sr. No.	Case No.	Party Name
1.	RFA-1354-2016	SPLENDOUR LANDBASE LIMITED V/S STATE OF HARYANA AND ORS. AASHISH CHOPRA , RUPA PATHANIA
2.	RFA-926-2017	MANAGING DIRECTOR HSIIDC & ANR V/S SPLENDOUR LAND BASE LTD & ANR VISHAL GARG
3.	RFA-1534-2017	RANDHIR SINGH V/S STATE OF HARYANA AND OTHER
4.	RFA-941-2017	MANAGING DIRECTOR HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION V/S RANDHIR SINGH & ORS VISHAL GARG
5.	RFA-4003-2016	DARSHANA DEVI AND ORS V/S STATE OF HARYANA AND ORS

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6.	RFA-1070-2017	HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION LTD V/S DARSHANA & OTHERS
7.	RFA-1146-2016	JAGAT SINGH AND OTHERS V/S STATE OF HARYANA AND ANOTHER
8.	RFA-983-2017	HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION LTD & ORS V/S JAGAT SINGH & ORS
9.	RFA-1150-2016	MAHLO AND ORS. V/S STATE OF HARYANA AND ANR.
10.	RFA-1074-2017	HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION LTD V/S MAHLO & ORS
11.	RFA-967-2017	HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION LTD & ORS V/S JITENDER & ORS
12.	RFA-952-2017	MANAGING DIRECTOR HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION LTD & ORS V/S NIRMALA DEVI & ORS
13.	RFA-4223-2018	NIRMALA DEVI THROUGH LR V/S STATE OF HARYANA AND OTHERS
14.	RFA-939-2017	MANAING DIRECTOR HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION LTD & ORS V/S SUSHILA DEVI & ORS
15.	RFA-4222-2018	SUSHILA DEVI V/S STATE OF HARYANA AND OTHERS
16.	XOBJR-132-2019 in/and RFA-943-2017	HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION LTD & ORS V/S NAYIA & ORS
17.	RFA-1153-2016	RAJ KUMAR V/S STATE OF HARYANA AND ORS
18.	RFA-934-2017	MANAGING DIRECTOR HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION V/S RAJ KUMAR & ORS
19.	RFA-1154-2016	JINENDER KUMAR AND ANR V/S STATE OF HARYANA AND ORS
20.	RFA-929-2017	MANAGING DIRECTOR HSIIDC V/S JINENDER & ORS
21.	RFA-4010-2016	SEEMA AND ORS V/S STATE OF HARYANA AND ORS
22.	RFA-933-2017	HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION LTD & ORS V/S SEEMA & ORS
23.	RFA-4009-2016	BHUPENDER V/S STATE OF HARYANA AND ORS

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24.	RFA-961-2017	HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION LTD & ORS V/S BHUPENDER & ORS
25.	RFA-4008-2016	RAJESH V/S STATE OF HARYANA AND ORS
26.	RFA-980-2017	MANAGING DIRECTOR HSIIDC V/S RAJESH & ORS
27.	RFA-4004-2016	PURAN V/S STATE OF HARYANA AND ORS
28.	RFA-936-2017	HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION LTD V/S PURAN & ORS
29.	RFA-4011-2016	CHANCHAL GOYAL V/S STATE OF HARYANA AND ORS
30.	RFA-964-2017	HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION LTD & ORS V/S CHANCHAL GOEL & ORS
31.	RFA-4007-2016	USHA V/S STATE OF HARYANA AND ORS
32.	RFA-931-2017	HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION LTD V/S USHA & ORS
33.	RFA-4006-2016	SUNITA V/S STATE OF HARYANA AND ORS
34.	RFA-974-2017	HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION LTD & ORS V/S SUNITA & ORS
35.	RFA-1073-2017	MANAGING DIRECTOR HSIIDC V/S SATWANTI & OTHERS
36.	RFA-216-2017	SATWANTI & ORS V/S STATE OF HARYANA & ORS
37.	RFA-1256-2016	RAMESHWAR AND ANR. V/S STATE OF HARYANA & ORS
38.	RFA-972-2017	MANAGING DIRECTOR HSIIDC V/S RAMESHWAR & ORS
39.	RFA-968-2017	MANAGING DIRECTOR HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION V/S MAHENDER & ORS
40.	RFA-1260-2016	PATORI DEVI & ORS V/S STATE OF HARYANA & ORS
41.	RFA-971-2017	MANAGING DIRECTOR HSIIDC V/S PATORI & ORS
42.	RFA-963-2017	MANAGING DIRECTOR HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION V/S MAHENDER & ORS
43.	RFA-1107-2016	RAM PAT V/S STATE OF HARYANA & ORS

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44.	RFA-969-2017	MANAGING DIRECTOR HSIIDC V/S RAM PAT & ORS
45.	RFA-938-2017	MANAGING DIRECTOR HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION V/S NIRMALA & ORS
46.	RFA-3843-2018	NIRMALA & ORS V/S STATE OF HARYANA & ORS
47.	RFA-1155-2016	CHALTI AND ORS V/S STATE OF HARYANA AND ORS
48.	RFA-1075-2017	HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION LTD V/S CHALTI & ORS
49.	RFA-1492-2017	DHARAMBIR DECEASED TH LRS AND ORS V/S STATE OF HARYANA AND ORS
50.	RFA-1069-2017	MANAGING DIRECTOR HSIIDC V/S DHARAMBIR & ORS
51.	RFA-4605-2017	BRAHAM SINGH AND ORS V/S STATE OF HARYANA AND ORS
52.	RFA-930-2017	MANAGING DIRECTOR HSIIDC V/S BRAHAM SINGH & ORS
53.	RFA-1106-2016	RAJENDER SINGH V/S STATE OF HARYANA AND OTHER
54.	RFA-946-2017	MANAGING DIRECTOR HSIIDC V/S RAJENDER SINGH & ORS
55.	RFA-975-2017	MANAGING DIRECTOR HSIIDC V/S OM SINGH & ORS
56.	RFA-1494-2017	OM SINGH V/S STATE OF HARYANA AND ORS
57.	RFA-940-2017	MANAGING DIRECTOR HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION V/S ANGOORI & ORS
58.	RFA-1498-2017	ANGOORI AND ORS V/S STATE OF HARYANA AND ORS
59.	RFA-1491-2017	KRISHAN AND ORS V/S STATE OF HARYANA AND ORS
60.	RFA-927-2017	MANAGING DIRECTOR HSIIDC V/S KRISHAN & ORS
61.	RFA-1496-2017	BANI SINGH (DECEASED) TH LRS AND ORS V/S STATE OF HARYANA AND ORS
62.	RFA-949-2017	MANAGING DIRECTOR HSIIDC V/S BANI SINGH & ORS
63.	RFA-955-2017	MANAGING DIRECTOR HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION V/S KRISHAN & ORS
64.	RFA-1493-2017	KRISHAN AND ORS V/S STATE OF HARYANA AND ORS
65.	RFA-1105-2016	ASHOK RAJ AND ORS V/S STATE OF HARYANA AND OTHER
66.	RFA-957-2017	MANAGING DIRECTOR HSIIDC V/S ASHOK RAJ & ORS

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67.	RFA-948-2017	MANAGING DIRECTOR HSIIDC V/S CHAND KAUR & ORS
68.	RFA-1537-2017	ISHRO DEVI AND OTHERS V/S STATE OF HARYANA AND OTHER
69.	RFA-960-2017	MANAGING DIRECTOR HSIIDC V/S ISHRO & ORS
70.	RFA-973-2017	MANAGING DIRECTOR HSIIDC V/S HAR KAUR & ORS
71.	RFA-8416-2018	HAR KAUR AND ORS. V/S STATE OF HARYANA AND ORS
72.	RFA-1499-2017	DEEPA DECEASED THRO LRS V/S STATE OF HARYANA & ORS
73.	RFA-981-2017	MANAGING DIRECTOR HSIIDC V/S DEEPA & ORS
74.	RFA-976-2017	MANAGING DIRECTOR HSIIDC V/S DAYA RAM & ORS
75.	RFA-2198-2018	DAYA RAM & ORS V/S STATE OF HARYANA & ORS
76.	RFA-1495-2017	JAI NARAIN V/S STATE OF HARYANA AND ORS
77.	RFA-932-2017	MANAGING DIRECTOR HSIIDC V/S JAI NARAIN & ORS
78.	RFA-970-2017	MANAGING DIRECTOR HSIIDC V/S SULTAN & ORS
79.	RFA-953-2017	MANAGING DIRECTOR HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION LTD & ORS V/S RAMESHWAR & ORS
80.	RFA-1533-2017	KRISHAN AND ANOTHER V/S STATE OF HARYANA AND OTHERS
81.	RFA-945-2017	MANAGING DIRECTOR HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION V/S KRISHAN & ORS
82.	RFA-951-2017	MANAGING DIRECTOR HSIIDC V/S INDER @ INDERSI & ORS
83.	RFA-1733-2017	INDER AND OTHERS V/S STATE OF HARYANA AND OTHERS
84.	RFA-950-2017	MANAGING DIRECTOR HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION V/S NIRMALA & ORS
85.	RFA-218-2017	NIRMALA & ORS V/S STATE OF HARYANA & ORS
86.	RFA-1108-2016	NAHNI AND OTHERS V/S STATE OF HARYANA AND OTHER
87.	RFA-977-2017	MANAGING DIRECTOR HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION V/S NAHNI & ORS
88.	RFA-1114-2016	MISHRI DEVI V/S STATE OF HARYANA & ORS

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89.	RFA-966-2017	MANAGING DIRECTOR HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION LTD & ORS V/S MISHRI & ORS
90.	RFA-958-2017	MANAGING DIRECTOR HSIIDC V/S SURAJ BHAN & ORS
91.	RFA-1538-2017	SURAJ BHAN AND OTHERS V/S STATE OF HARYANA AND OTHER
92.	RFA-982-2017	HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION LTD & ORS V/S RAM NARAIN & ORS
93.	RFA-179-2018	RAM NARAIN & ORS V/S STATE OF HARYANA & ORS
94.	RFA-1116-2016	MAHENDER V/S STATE OF HARYANA & ORS
95.	RFA-942-2017	MANAGING DIRECTOR HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION LTD & ORS V/S MAHENDER & ORS
96.	RFA-1259-2016	HUKAM SINGH AND OTHERS V/S STATE OF HARYANA AND OTHER
97.	RFA-959-2017	MANAGING DIRECTOR HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION V/S HUKAM SINGH & ORS
98.	RFA-1258-2016	HUKAM SINGH AND OTHERS V/S STATE OF HARYANA AND OTHER
99.	RFA-1072-2017	MANAGING DIRECTOR HSIIDC V/S HUKAM SINGH & ORS
100.	RFA-1109-2016	SEHAJ RAM & ORS V/S STATE OF HARYANA & ORS
101.	RFA-978-2017	MANAGING DIRECTOR HSIIDC V/S SAHAJ RAM & ORSs
102.	RFA-1536-2017	BALBIR SINGH AND ORS. V/S STATE OF HARYANA & ORS
103.	RFA-935-2017	MANAGING DIRECTOR HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION LTD & ORS V/S BALBIR & ORS
104.	RFA-1535-2017	BALBIR SINGH AND ORS. V/S STATE OF HARYANA AND ORS
105.	RFA-979-2017	MANAGING DIRECTOR HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION V/S BALBIR & ORS
106.	RFA-1112-2016	KITAB SINGH AND ORS V/S STATE OF HARYANA AND OTHER
107.	RFA-956-2017	MANAGING DIRECTOR HSIIDC V/S KITAB SINGH & ORS

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108.	RFA-1110-2016	RAM BHAJ & ANR V/S STATE OF HARYANA & ORS
109.	RFA-1071-2017	MANAGING DIRECTOR HSIIDC V/S RAM BHAJ & ORS
110.	RFA-4005-2016	RAJWANTI AND ORS V/S STATE OF HARYANA AND ORS
111.	RFA-928-2017	MANAGING DIRECTOR HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION LTD & ORS V/S RAJWANTI & ORS
112.	RFA-1111-2016	SURAT SINGH AND ORS V/S STATE OF HARYANA AND OTHER
113.	RFA-937-2017	MANAGING DIRECTOR HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION V/S SURAT SINGH & ORS
114.	RFA-1257-2016	PATORI DEVI & ORS V/S STATE OF HARYANA & ORS
115.	RFA-944-2017	HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION LTD & ORS V/S PATORI DEVI & ORS
116.	RFA-378-2019	RAM PAT V/S STATE OF HARYANA AND OTHER
117.	RFA-217-2017	OM PARKASH & ORS V/S STATE OF HARYANA & ORS
118.	RFA-984-2017	HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION LTD & ORS V/S OM PARKASH & ORS
119.	RFA-954-2017	MANAGING DIRECTOR HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION V/S DIWAN & ORS
120.	RFA-564-2019	DIWAN THROUGH HIS LRS AND ORS V/S STATE OF HARYANA AND OTHERS
121.	RFA-1115-2016	RAGHBIR SINGH AND OTHERS V/S STATE OF HARYANA AND OTHER
122.	RFA-947-2017	MANAGING DIRECTOR HSIIDC V/S RAGHBIR & ORS
123.	RFA-1113-2016	BALWAN SINGH V/S STATE OF HARYANA AND OTHER
124.	RFA-965-2017	MANAGING DIRECTOR HARYANA STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION V/S BALWAN SINGH & ORS