

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RFA No.494 of 2022 (O&M)
and other connected cases
Reserved on:16.09.2022
Date of Order: 27.09.2022

HSI IDC

.Appellant

Versus

Babu Lal and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashwani Kumar Chopra, Sr. Advocate
with Mr. Pritam Singh Saini, Advocate
Mr. Vidul Kapoor, Advocate
Mr. Deepak Singh Saini, Advocate
for the HSI IDC.

Mr. Shailendra Jain, Sr. Advocate
with Mr. Jagtar Singh, Advocate

Mr. Amit Jain, Sr. Advocate
with Mr. Varun Parkash, Advocate

Mr. Abhishek Yadav, Advocate
Mr. Neeraj Yadav, Advocate
Mr. Bhuvnesh Lakhera, Advocate
Mr. Hitesh Malik, Advocate
Mr. Jivesh Malik, Advocate
Mr. Mohak Arora, Advocate
for Mr. Manish Soni, Advocate
Mr. Amardeep Sheoran, Advocate
Mr. Nitish Yadav, Advocate
for the landowners.

Mr. Shivendra Swaroop, AAG, Haryana.

ANIL KSHETARPAL, J

1. BACKGROUND AND INTRODUCTION

1.1 This judgment shall dispose of a batch of Regular First Appeals

(detail whereof is at the foot of the judgment). The Haryana State Industrial

and Infrastructure Development Corporation (for short hereinafter referred to as 'the HSIIDC') as well as landowners pray for modification of the award passed on 14.10.2021 by the Reference Court, Rewari (hereinafter referred to as 'the RC'). On the one hand, the landowners pray for enhancement in the market value assessed by the RC. On the other hand, HSIIDC (the beneficiary of the acquisition of the land) prays for its reduction while setting aside the award passed by the RC. The learned counsels representing the parties are ad idem that this bunch of appeals can conveniently be disposed of by a common judgment. Notifications under Section 4 and 6 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the 1894 Act'), are common. The Land Acquisition Collector (hereinafter referred to as 'the LAC') by different awards announced in the month of March, 2010, has offered to pay an identical amount i.e. Res.16,00,000/- per acre along with all the statutory benefits. The RC by a consolidated judgment has disposed of all the petitions filed under Section 18 of the 1894 Act.

1.2 The relevant particulars for the purpose of deciding of this batch of appeals are as under:-

Sr.No.	Relevant Dates	Particulars
1.	30.10.2008	Notification under Section 4 of the 1894 Act was issued with respect to land measuring 5439 kanals and 18 marlas (679 acres 7 kanals 18 marlas) in villages Karnawas, Deodhai, Assalwas, Bakthala, Patuhera, Banipur, Suthni, Rudh and Bawal, for the purpose of Extension of Industrial Growth Centre, Bawal, to be planned as an integrated complex for

		industrial, recreational and other public utilities by HSIIDC.
2.	08.07.2009	Declaration under Section 6 of the 1894 Act was published.
3.	From 16.03.2010 to 22.03.2010	Vide Award Numbers 1, 2, 4, 7, 8, 9 pronounced in the month of March 2010, the LAC offered to pay Rs.16,00,000/- per acre along with all the statutory benefits for the acquired land located in village Karnawas, Deodhai, Assalwas, Bakthala, Patuhera and Banipur.
4.	17.01.2015	With respect to the acquired land located in village Deodhai, the RC assessed the market value @ Rs.22,00,000/- per acre.
5.	25.10.2017	The High Court in RFA No.3422 of 2015 and other connected cases vide judgment dated 25.10.2017, set aside the award and remanded the cases back to the RC for fresh decision.
6.	07.05.2018	In the second round, the RC uniformly assessed the market value of the acquired land @ Rs.41,24,016/- per acre.
7.	16.12.2019	Once again, the High Court in RFA No.3146 of 2019, remanded the cases back to the RC for deciding afresh
8.	14.10.2021	Now, in the third round, the RC by a consolidated award held that the landowners are entitled to Rs.39,49,248/- per acre, with all the statutory benefits while disposing of as many as 130 applications.

Court, the parties have led extensive evidence.

1.4 The landowners claim that the acquired land falls in the developed area as the HSIIDC has already developed Phase-I, Phase-II and Phse-III of Industrial Township at Bawal. It is submitted that the acquired land is located on National Highway No.8 and 71-A, therefore, had immense potentiality to be used it for residence, commerce and industry. It has been asserted that leading industries including M/s Asahi India Safety Glass Limited, M/s Maruti Syntex Limited, M/s Ramuka Bhogeria Cement Limited, M/s Garuda Clays Limited, M/s Mahabir Foods Limited, M/s Haryana Suraj Malt Limited, M/s Asian Cane Limited, M/s Haryana Pashupati Woolen Limited, M/s Wheels India Ltd., M/s Japan Steering, M/s Hema Radiators, M/s Sanak, M/s REI, M/s Sainik finance, M/s Exide, M/s Nerolac Paints Ltd. and M/s B.D.Decton Limited have already opened their units in the area.

1.5 The Rewari town is stated to be located at a distance of between 1 to 4 kilometers from the acquired land and Maharishi Vidya Mandir Public School and Research Centre of Haryana Agricultural University, Hisar, are also located in the vicinity of the acquired land. Fuel stations set up by Indian Oil Corporation, Bharat Petroleum and Hindustan Petroleum are located within the radius of two kilometers from the acquired land. Oil depot of Reliance Industries is also situated near the acquired land. The District Courts and Mini Secretariat, Rewari are located at distance of around 4-6 kilometers. A hotel site measuring 3250 sq. meters has been auctioned at Rs.15.5 crores. The land acquired is located within the National Capital Region Development Scheme. As the State of Haryana has already developed the area, many residential colonies have come into

existence. The Rajasthan Government has also developed three industrial estates at Bhiwadi, Shahjanpur and Neemrana which are located at a distance of 10-15 kilometers from the acquired land. The landowners, while claiming that the market value of the acquired land was Rs.2 crore per acre, pray for fair assessment of the market value of the acquired land.

1.6 On the other hand, the HSIIDC while contesting the petition claim that the rate awarded by the LAC is just, fair, adequate and reasonable.

1.7 The RC culled out the following issues:-

- 1. What was the market value of the acquired land on the date of notification No.32/11/2008-4-IB-1 dated 30.10.2008 under Section 4 of the Land Acquisition Act, 1894 ?OPP
- 2. Relief.”

2. EVIDENCE PRODCUED BY THE PARTIES

2.1 In oral evidence the landowners have examined the following witness in the respective cases:-

PW1	Satish Kumar
PW2	Naresh Raj
PW3	Sajjan Singh
PW4	Rajesh Kumar, Assistant Registration Clerk, Office of sub-Registrar, Rewari
PW5	Banwari lal, Patwari, Halqa Karanwas
PW6	S.S.Lamba, Manager Estate, HSIIDC Bawal
PW7	Mahabir Singh, Civil Draftsman, District Court, Rewari
PW8	Sanjay Mishra, Manager, Personnel of M/s Indo Nisan Foods Ltd. Mile Stone 91 of NH-8, Village Deodhai.
Chandgi Ram vs. State of Haryana and others Ramesh vs. State of Haryana and others Man Singh vs. State of Haryana and others Ramphal vs. State of Haryana and others Kamal Singh vs State of Haryana and others	
PW9	Vinod Kumar

PW16	Man Singh
PW17	Dinesh Kumar
PW7	Ramotar
PW7	Jaswant Singh
PW6	Hazari Lal
PW7	Ramphal
Chandi Ram and another vs. State of Haryana and others	
PW1	Battu Ram
PW2	Man Singh
PW3	Santoshanand, Patwari, Halqa Banipur
PW4	S.S.Lamba, Manager
PW5	Surender Kaur
PW6	Rampal
PW7	Om Parkash Yadav, Draftsman
PW8	Mehar Chand
PW9	Dr. Gurprit Singh
PW10	Om Parkash, Draftsman
PW11	Hari Om , Clerk, DTP Officer, Rewari
PW12	Jitender Kumar, ARC, Bawal
PW13	Abhey Singh
PW14	Sunita Yadav
PW15	Harish Sharma, DGM, NHAI, Regional Officer, Jaipur
PW16	JayShridhar, Surveyor from Maverick Engineers Pvt. Ltd.
Kamal Singh vs. State of Haryana and others	
PW1	Attar Singh
PW2	Sumer Singh
PW3	Vijay Singh, Patwari Halqa Bawal
PW4	S.S.Lamba, Manager
PW5	Kamal Singh
PW6	Mahabir Yadav, Draftsman
RW1	Ashok Kumar
RW2	Jitender Singh, Clerk, SDM Officer, Bawal.
Man Singh and others Versus State of Haryana	
PW1	Satpal
PW2	Basti Ram
PW3	Patram
PW4	Rakesh Kumar, Halqa Patwari, Karnawas

PW5	Ram Kumar, Halqa Patwari, Banipur
PW6	S.S. Lamba, Manager
PW7	Jaswant Singh
RW1	Rajeev Kumar, Computer Operator
RW2	Om Parkash, Clerk
RW3	Ashok Kumar
RW4	Sunil, Registration Clerk, Tehsil Bawal
RW5	Narender Kumar, ARC, Tehsil-Rewari
Ramesh Kumar and another vs. State of Haryana and others	
PW1	Daulat Ram
PW2	Rakesh Kumar
PW3	Ram Kumar, Patwari Halqa Banipur
PW4	Rakesh Kumar, Patwari, Halqa Gokalgarh
PW5	S.S.Lamba, Senior Manager
PW6	Mahabir Singh, Draftsman
RW1	Ashok Kumar
RW2	Narender, ARC
Ramphal and another vs. State of Haryana and others	
PW1	Gordhan
PW2	Umrao Singh
PW3	Santoshanand, Patwari, Halqa Banipur
PW4	Abhey Singh, Legal Assistant, HSIIDC
PW5	Mahabir Singh, Draftsman
RW1	Ashok Kumar
RW2	Jitender Kumar, Clerk, SDM Office, Bawal

2.2 In documentary evidence, the landowners have produced (apart from the sale deeds, a tabulated compilation of which given in para 5.1) the following documents in the various cases:-

Ex.P6	Aks-sajra
Ex.P7	Allotment letter in favour of M/s. Jhankar Consultancy (P) Ltd. Bearing Memo No. 186-87 dated 27.04.2006.
Ex.P8	Site Plan of the acquired land.
Ex.P9	Letter bearing No. Ref.NHAI/KTP/NOC/03-04/1175 dated

	20.11.2003 regarding NOC for access from National Highway.
Ex.P10	Memorandum and Articles of association of Indo Nissin Foods Limited, Bangalore.

Ex.P1	Site plan of the acquired land of village-Asalwas.
Ex.SKP-1	Newyork State Identification.
Ex.SKP-3	Conveyance deed in favour of Mr. Gurprit Singh regarding apartment No. T-05-04-03 Common Wealth Games Village-Delhi.
Ex.SKP-4	Jamabandi for the year 2005-06 related to village-Asalwas.
Ex.SKP-4/A	Aks-sajra of village-Asalwas.
Ex.SKP-4/B	Copy of mutation No. 738.
Ex.SKP-5	Memo No. IE/CWP/5548/2009 dated 10.12.2009.
Ex.SKP-6	Notification dated 23.05.1997.
Ex.SKP-7	Notification dated 08.07.2004.
Ex.SKP-8	Notification dated 05.12.2005.
Ex.SKP-9	Notification dated 13.03.2006.
Ex.SKP-10	Notification dated 08.06.2007.
Ex.SKP-11	Notification dated 27.02.2008.
Ex.SKP-12	Site Plan of the acquired land of village-Asalwas.
Ex.SKP-13	Details of Major industries, Bawal.
Ex.SKP-14	Memo No. NHAI/18012/1/2012/ROJ-Access/P.P./2022 dated 10.09.2012.
Ex.SKP-14-A	Memo No. NHAI/MC-II/Access-P.P./KM67.954/RHS/NH-8/114 dated 12.08.2009.
Ex.SKP-15	Memo No. NH-12017/849/2009/HR/NH-1 dated 02.09.2009.
Ex.SKP-16	Drafts Development plan for the year 2021 Bawal.
Ex.SKP-18	Memo No. 3393 dated 15.07.2010.
Ex.SKP-19	Memo No. 186-87 dated 27.04.2006 for allotment of budget hotel site at Grown Centre, Bawal.
Ex.SKP-27	Request letter for providing access from NH-8 to plot of land.
Ex.PW3/A	Aks-sajra.
Ex.PW3/B	Mutation No. 763.
Ex.PW3/C	Mutation No. 837.
Ex.PW4/A	Copy of allotment letter in favour of M/s Jhankar Consultancy (P) Ltd. bearing Memo No. 186-87 dated 27.04.2006.

Ex.PW11/A	Memo No. 3385 dated 15.07.2010 given by the DTP, Rewari to M/s. Surinder Kaur.
Ex.PW11/B	Memo No. 3393 dated 15.07.2010 given by the DTP Rewari to M/s. Surinder Kaur.
Ex.PW14/1	Aks-sajra.
Ex.PW14/2	Copy of mutation No. 714.
Ex.P29	Copy of the order dated 14.09.2010 passed by Hon'ble High Court of Punjab and Haryana at Chandigarh in RFA No. 3541 of 2006 titled as Nandram and others Versus State of Haryana and others.
Ex.P30	Copy of the order dated 26.11.2014 passed by Hon'ble Supreme Court of India in Civil Appeal No. 9553 of 2011 titled as HSIIDC Versus Nand Ram and others.

Ex.SKR-1	Memo bearing no. NHAI/18012/1/2012/ROJ-Access/P.P./2022 dated 10.09.2012.
Ex.SKR-2	Memo bearing no. NHAI/12017/849/2002/HR-NH-1 dated 02.09.2009.
Ex.SKR-3	Survey map of acquired land.
Ex.SKR-4	Layout plan of phase I and IV IMT Bawal.
Ex.SKR-5	Layout plan of phase I to IV IMT Bawal.
Ex.SKR-6	Visiting card of Jay Shridhar.
Ex.SKR-7	Notification dated 03.09.2014.
Ex.SKR-7	Award no. 2 dated 26.02.2014 related to the acquisition of the land situated in village- Kasola.
Ex.SKR-8	Award no. 9/R dated 04.12.2014 related to the land situated in village-Deodhai.
Ex.SKR-9	Award no. 11/R dated 04.12.2014 related to the land situated in village-Bakhapur.
Ex.SKR-10	Copy of the notification dated 03.09.2014 in Hindi.
Ex.SKR-11	Copy of the notification dated 03.09.2014 in English.

Ex.P1	Site plan.
Ex.P2	Copy of the order dated 14.09.2010 passed by Hon'ble High Court of Punjab and Haryana at Chandigarh in RFA No. 3541 of 2006 titled as Nandram and others Versus State of Haryana and others.
Ex.P3	Copy of the order dated 26.11.2014 passed by Hon'ble Supreme Court of India in Civil Appeal No. 9553 of 2011 titled as HSIIDC Versus Nand Ram and others.
Ex.P4	Certified copy of the award dated 17.01.2015 delivered in LA case No. 161 of 2011 titled as Babu Lal and others

	Versus State of Haryana and others.
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Ex.P1	Certified copy of the award dated 17.01.2015 delivered in LA case No. 161 of 2011 titled as Babu Lal and others Versus State of Haryana and others.
Ex.PW4/A	Aks-sajra related to village-Karnawas.
Ex.PW4/B	Aks-sajra related to village-Deodhai.
Ex.PW4/C	Jamabandi for the year 2010-2011 related to village-Karnawas.
Ex.PW5/A	Aks-sajra related to village-Banipur.
Ex.PW5/B	Aks-sajra related to village-Asalwas.
Ex.PW5/C	Aks-sajra related to village-Karnawas.
Ex.PW5/D	Jamabandi for the year 2005-2006 related to village-Asalwas.
Ex.PW5/E	Jamabandi for the year 2008-2009 related to village-Banipur.
Ex.PW5/F	Jamabandi for the year 2009-10 related to village-Patuhara.
Ex.PW6/A	Allotment letter in favour of M/s. Jhankar Consultancy (P) Ltd. bearing Memo No.186-87 dated 27.04.2006.

Ex.P1	Site plan.
Ex.P2	Copy of the award dated 17.01.2015 delivered in LA case No. 161 of 2011 titled as Babu Lal and others Versus State of Haryana and others.
Ex.PW3/A	Aks-sajra related to village-Asalwas..
Ex.PW3/B	Jamabandi for the year 2005-06 related to village-Asalwas.
Ex.PW4/A	Aks-sajra related to village-Deodhai.
Ex.PW4/B	Aks-sajra related to village-Karnawas.
Ex.PW4/C	Jamabandi for the year 2010-2011 related to village-Karnawas.
Ex.PW5/A	Allotment letter in favour of M/s. Jhankar Consultancy (P) Ltd. bearing Memo No.186-87 dated 27.04.2006.

Ex.P-1	Aks-sajra related to village-Patuhara.
Ex.P-2	Aks-sajra related to village-Asalwas.
Ex.P-3	Aks-sajra related to village-Banipur.
Ex.P-4	Copy of Mutation No. 636 related to village-Patuhara.
Ex.P-5	Copy of Mutation No. 631 related to village-Patuhara.
Ex.P-6	Copy of Mutation No. 624 related to village-Patuhara.
Ex.P-7	Copy of Mutation No. 622 related to village-Patuhara.
Ex.P-8	Site plan related to the land situated in villages-Patuhara, Asalwas, Banipur, Chirhara, Deodhai and Karnawas.

Ex.P-9	Certified copy of the award dated 17.01.2015 delivered in LA case No. 161 of 2011 titled as Babu Lal and others Versus State of Haryana and others.
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2.3 In oral evidence, the HSIIDC and the State of Haryana has examined the following witnesses:-

RW1	Dayanand. ARC Sub Registrar Office, Rewari
RW2	Dayanand, Ahlmad to SDO (Civil)-cum-LAC, Rewari
RW3	Rajpal Yadav, Draftsman
RW4	Krishan Kumar, Manager (UT), HSIIDC, IMT, Bawal
RW5	Jitender Kumar, HRC office of Deputy Commissioner, Rewari

Chandgi Ram and another vs. State of Haryana and others

RW1	Rajeev Kumar, Computer Operator
RW2	Ashok Kumar
RW3	Sunil, Registration Clerk, Tehsil Bawal

Man Singh and others vs. State of Haryana

PW1	Satpal
PW2	Basti Ram
PW3	Patram
PW4	Rakesh Kumar, Halqa Patwari, Karnawas
PW5	Ram Kumar, Halqa Patwari, Banipur
PW6	S.S. Lamba, Manager
PW7	Jaswant Singh
RW1	Rajeev Kumar, Computer Operator
RW2	Om Parkash, Clerk
RW3	Ashok Kumar
RW4	Sunil, Registration Clerk, Tehsil Bawal
RW5	Narender Kumar, ARC, Tehsil-Rewari

RW1	Ashok Kumar
RW2	Jitender Kumar, Clerk SDM Office, Bawal

2.4 The HSIIDC as well as the State of Haryana, in order to prove their case, have produced and relied upon the various documents (apart from

the sale deeds, a tabulated compilation of which is provided in para 5.1):-

Ex.RW2/1	Copy of notification No. 3/11/2008-4-IB-1 dated 31.10.2008 under Section-4 of the Land Acquisition Act, 1894.
Ex.RW2/2	Copy of notification No. 3/11/2008-4-IB-1 dated 08.07.2009 under Section-6 of the Land Acquisition Act, 1894.
Ex.RW2/3	Copy of award No.1 dated 16.03.2010 related to acquired land situated in village-Deodhai.
Ex.RW2/4	Proceedings of meeting regarding fixation of Collector Rates on 08.03.2010.
Ex.RW3/I	Site plan related to the land situated in villages Karnawas and Deodhai.
Ex.RW4-1	Copy of the policy for rehabilitation and resettlement of land owners-Land Acquisition Questees.
Ex.RW4-2	Annuity detail for the land acquired of village Deodhai.
Ex.RW4-3	Public Notice inviting applications from oustees/erstwhile land owners for allotment of residential plots under resettlement and rehabilitation policy dated 07.12.2007.
Ex.RW4-4	Details of the development works undertaken by HSIIDC in the villages whose land has been acquired.
Ex.RW4-5	Letter No.HSIIDC : C&H: 2012:1390 dated 19.04.2012 whereby budged hotel site, Growth Centre, Bawal allotted to M/s Jhankar
Ex. RW5/A	List of Collector rates for the land of villages of District-Rewari in the year 2007-08.

EX.RA	Copy of sale deed No. 1052 dated 24.08.2007.
EX.RB	Copy of sale deed No. 6458 dated 28.11.2007.
EX.RC	Copy of sale deed No. 6665 dated 06.12.2007.
EX.RD	Copy of sale deed No. 1301 dated 30.05.2008.

Ex.RW1/A	Attested copy of award no.9 dated 22.03.2010 related to the land situated in village-Asalwas.
Ex.RW1/B	Copy of notification dated 31.10.2018 under Section-4 of Land Acquisition Act, 1894.
Ex.RW1/C	Copy of notification dated 08.07.2009 under Section-6 of Land Acquisition Act, 1894.
Ex.RW1/D	Statement- 19 related to the land of the petitioners Chandgi Ram and Kanwal Singh.
Ex.RW2/B	Copy of the rehabilitation and resettlement policy vide notification dated 07.12.2007.
Ex.RW2/C	Details of annuity.

Ex.RW2/D	Public Notice inviting applications from oustees/erstwhile land owners for allotment of residential plots under resettlement and rehabilitation policy dated 07.12.2007.
Ex.RW2/E	Public Notice.
Ex.RW2/F	Terms and conditions for eligibility of allotment of residential plots.
Ex.RW2/G	List of development works undertaken by HSIIDC in the villages whose land is acquired.
Ex.RW2/H	Memo dated 19.04.2012 regarding resumption of the budget hotel site allotted to M/s. Jhankar Consultations Pvt. Ltd.
Ex.RW2/I	Proceedings of the meeting regarding fixation of Collector rates dated 08.03.2010.
Ex.RZ	Statement of the Land Acquisition Collector.
Ex.RZ/A	Copy of the notice to the land owners.
Ex.RZ/B	List of the sale deeds.

Ex.RA	Memo No.IE/LA/3677A2K6M/RWR/Part-IV/91-A dated 02.01.2015 withdrawing the land for Manesar and Bawal Division from acquisition in public interest.
Ex.RB	List of sale deeds.
Ex.RC	Statement of Land Acquisition Collector.
Ex.RD	Statement No.19.
Ex.RE	Award no.2 dated 16.03.2010 related to the land measuring 62 Kanal 02 Marla situated in village-Banipur.
Ex.RF	Certified copy of sale deed no. 6665 dated 06.12.2007 related to land measuring 04 Kanal 03 Marla situated in village-Karnawas.
Ex.RG	Certified copy of sale deed no. 5854 dated 29.10.2007 related to land measuring 08 Kanal 08 Marla situated in village-Karnawas.
Ex.RH	Certified copy of sale deed no. 1301 dated 30.05.2008 related to land measuring 08 Kanal 03 Marla situated in village-Karnawas.
Ex.RI	Certified copy of sale deed no. 6458 dated 28.11.2007 related to land measuring 02 Kanal situated in village-Karnawas.
Ex.RW1/B	Copy of the notification dated 07.12.2007 related to the policy for rehabilitation and resettlement of land owners-Land Acquisition Oustees.
Ex.RW1/C	Annuity detail for the land acquired of village Bawal.
Ex.RW1/D	Public Notice inviting applications from oustees/erstwhile land owners for allotment of residential plots under resettlement and rehabilitation policy dated 07.12.2007.
Ex.RW1/E	Public notice.

Ex.RW1/F	Terms and conditions regarding eligibility for allotment of residential plots.
Ex.RW1/G	Details of the development works undertaken by HSIIDC in the villages whose land has been acquired.
Ex.RW1/H	Proceedings of meeting regarding fixation of Collector Rates on 08.03.2010.
Ex.RW1/I	Memo No.HSIIDC.. C&H..2012-1399 dated 19.04.2012 vide which the budget hotel site allotted to M/s. Jhankar consultant Pvt. Ltd. was resumed.
Ex.RW1/J	IMT Bawal layout plot of phase-I to IV.

Ex.RW1/A	Copy of award no.4 dated 16.03.2010 respecting the acquired land situated in village-Bagthala.
Ex.RW1/B	Statement No.19.
Ex.RW1/C	Statement of Land Acquisition Collector.
Ex.RW1/D	Attested copy of the notification dated 31.10.2008 under Section-4 of the Land Acquisition Act, 1894.
Ex.RW1/E	Attested copy of the notification dated 06.07.2019 under Section-6 of the Land Acquisition Act, 1894.
Ex.RW2/A	List of Collector rates of Tehsil-Bawal for the year 2006-07.
Ex.RW2/B	List of Collector rates of Tehsil-Bawal for the year 2007-08.
Ex.RW2/C	List of Collector rates of Tehsil-Bawal for the year 2008-09.
Ex.RW3/B	Copy of the notification dated 07.12.2007 related to the policy for rehabilitation and resettlement of land owners-Land Acquisition Oustees.
Ex.RW3/C	Annuity detail for the land acquired of village Bawal.
Ex.RW3/D	Public Notice inviting applications from oustees/erstwhile land owners for allotment of residential plots under resettlement and rehabilitation policy dated 07.12.2007.
Ex.RW3/E	Public notice.
Ex.RW3/F	Terms and conditions regarding eligibility for allotment of residential plots.
Ex.RW3/G	Details of the development works undertaken by HSIIDC in the villages whose land has been acquired.
Ex.RW3/H	Memo dated 19.04.2012 regarding resumption of the budget hotel site allotted to M/s. Jhankar Consultations Pvt. Ltd.
Ex.RW3/J	Proceedings of meeting regarding fixation of Collector Rates on 08.03.2010.
Ex.RW3/K	IMT Bawal layout plot of plase-I to IV.
Ex.RA	List of sale deeds.
Ex.RB	Memo No.IE/LA/3677A2K6M/RWR/Part-IV/91-A dated 02.01.2015 withdrawing the land for Manesar and Bawal

	Division from acquisition in public interest.
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Ex.RW1/B	Copy of the policy for rehabilitation and resettlement of land owners-Land Acquisition Questees.
Ex.RW1/C	Annuity details as per R&R policy at IMT Bawal.
Ex.RW1/D	Public Notice inviting applications from oustees/erstwhile land owners for allotment of residential plots under resettlement and rehabilitation policy dated 07.12.2007.
Ex.RW1/E	Public notice.
Ex.RW1/F	Terms and conditions for allotment of residential plots under the rehabilitation and resettlement policy dated 07.12.2007.
Ex.RW1/G	Details of the development works undertaken by HSIIDC in the villages whose land has been acquired.
Ex.RW1/H	Letter No.HSIIDC:C&H:2012-1390 dated 19.04.2012 whereby budget hotel site, Growth Centre, Bawal allotted to M/s. Jhankar Consultants Pvt. Ltd. was resumed.
Ex.RW1/J	Proceedings of meeting regarding fixation of Collector Rates on 08.03.2010.
Ex.RW1/K	Layout plan of phase I to IV IMT Bawal.
Ex.RW2/1 And Ex.RB	List of sale deeds submitted by HSIIDC
Ex.RD	Statement No.19.
Ex.RC	Statement of Land Acquisition Collector.
Ex.RE	Copy of award no.8 dated 18.03.2010 related to the land measuring 641 Kanal 15 Marla situated in village-Patuhara.
Ex.RF	Certified copy of sale deed no. 6665 dated 06.12.2007 related to land measuring 04 Kanal 03 Marla situated in village-Karnawas.
Ex.RG	Certified copy of sale deed no. 5854 dated 29.10.2007 related to land measuring 08 Kanal 08 Marla situated in village-Karnawas.
Ex.RH	Certified copy of sale deed no. 6458 dated 28.11.2007 related to land measuring 02 Kanal situated in village-Karnawas.
Ex.RI	Certified copy of sale deed no. 1301 dated 30.05.2008 related to land measuring 08 Kanal 03 Marla situated in village-Karnawas.

Ex.RW1/B	Copy of the policy for rehabilitation and resettlement of land owners-Land Acquisition Ousteas.
Ex.RW1/C	Annuity details as per R&R policy at IMT Bawal.
Ex.RW1/D	Public Notice inviting applications from oustees/erstwhile land owners for allotment of residential plots under

	resettlement and rehabilitation policy dated 07.12.2007.
Ex.RW1/E	Public notice.
Ex.RW1/F	Memo dated 19.04.2012 regarding resumption of the budget hotel site allotted to M/s. Jhankar Consultations Pvt. Ltd.
Ex.RW1/G	Proceedings of the meeting regarding fixation of Collector rates dated 08.03.2010.
Ex.RW1/H	Layout plan of phase I to IV IMT Bawal.
Ex.RW2/1	Copy of sale deed No. 6665 dated 06.12.2007 related to land measuring 04 Kanal 03 Marla situated in village-Karnawas.
Ex.RW2/2	Copy of sale deed no. 5854 dated 29.10.2007 related to land measuring 08 Kanal 08 Marla situated in village-Karnawas.
Ex.RW2/3	Copy of sale deed No. 6458 dated 28.11.2007 related to land measuring 01 Kanal 06 Marla situated in village-Karnawas.
Ex.RW2/4	Copy of sale deed No. 1301 dated 30.05.2008 related to land measuring 03 Kanal 08 Marla situated in village-Karnawas.
Ex.RA	Statement of Land Acquisition Collector.
Ex.RB	Statement No.19.
Ex.RC	Award no.7 dated 17.03.2010 related to the land measuring 590 Kanal 11 Marla situated in village-Karnawas.
Ex.RD	Copy of Memo No.IE/LA/3677A2K6M/RWR/Part-IV/91-A dated 02.01.2015
Ex.RW-E	List of sale deeds submitted by HSIIDC.

3. **REASONS RECORDED BY THE RC AND ANALYSIS THEREOF**

3.1 Before proceeding further, it would be appropriate to analyse the reasons recorded by the RC while assessing the market value of the acquired land @ 39,49,248/- per acre.

- (i) The first reason to exclude most of the sale deeds produced by HSIIDC is based on wrong interpretation of Section 25 of the 1894 Act. There is no bar/prohibition from taking into account the sale deeds produced by the parties which reflect a price lower than the amount assessed by the LAC. The bar is only on awarding a price which is lower than the amount assessed by the LAC. This matter is no longer res integra in view of the judgment passed by the Supreme Court in **Lal Chand vs.**

Union of India and another (2009) 5 SCC 769.

- (ii) The second reason assigned by the RC is, equally erroneous. The Court has held that the entire acquired land has equal potentiality because the entire land could be used for commercial purpose. In my considered view, the RC has examined the issue from a wrong perspective. The potentiality of the land is required to be examined in the context of the acquired land as on 30.10.2008 i.e. the date of notification under Section 4 of the 1894 Act. Subsequently, after the planned development, the entire land may be put to the same use or may have the potential to be used for the commercial purpose. However, the court for the purpose of assessing the market value of the acquired land is required to see the position as it exists on 31.10.2008 while ignoring the future avenues for which the acquired land may be utilized after its planned development. It is evident on careful examination of the sale deed Ex.P1, Ex.P2 and Ex.P3 that the price of the parcels of land located on the National Highway is much higher when compared with the land located in the interiors i.e. away from the National Highway. After planned development of the area, the entire land may be used for commercial purposes as the roads would be carved out in order to make even the last corner of the property accessible through road. However, as the acquired land exists on the relevant date of notification, the parcel of land located in the interior i.e. far away from the National Highway, having no passage, cannot be used for commercial purposes,

unless a proper passage is provided. On the other hand, it is required to be noticed that the parcel of land located on the National Highway is capable of being used for commercial purposes without any further development. On a careful reading of sale deed Ex.P1, it is evident that 85 kanals and 16 marlas of land located on the National Highway has been purchased by IVRPUDL Resorts and Clubs Pvt. Ltd. Thus, even without development, the aforesaid parcel of land is capable of being used for commercial purposes in view of its accessibility from the road.

- (iii) The next reason assigned by the RC, while applying deduction of 60% after taking the average price of sale deeds Ex.P1, Ex.P2 and Ex.P3, also does not have sound basis.
- (iv) The RC has further erred in observing that because the sale deeds are executed between corporate entities whereas the land has been acquired for public purpose and not for profit purpose, therefore, the landowners are not entitled to the same amount as reflected by the sale deeds. While assessing the market value of the acquired land, the Court is required to analyze the area, its potentiality, its geographical location amongst various other factors. In the present case, it is established on the file that HSIIDC has already acquired land for the development of Industrial Model Township, Phase-I, Phase-II and Phase-III before the issuance of notification on 30.10.2008. This acquisition is for its extension. In such circumstances, sale deeds between corporate entities could not be ignored.

(v) Moreover, the RC was equally erroneous while observing the land has been acquired for public purposes, therefore, the landowners are not entitled to the prevalent market value. The landowners are being deprived of the land on account of involuntary acquisition. Hence, they are entitled to the market value, as existing on the date of notification under Section 4 of the 1894 Act.

4. **ARGUMENTS ADDRESSED BY THE LEARNED COUNSELS**

4.1 This Bench has heard the learned counsels representing the parties at length and with their able assistance perused the paper book.

4.2 The learned senior counsels representing the landowners submit that the HSIIDC has been acquiring the land in the area since 1992 continuously. Hence, the acquired land was already a commercial land. It is contended that the court has erred in taking the average of the price of Ex.P1, Ex.P2 and Ex.P3 and thereafter, deducting 60% of the value on account expenses in the development of the same. Once commercial land is being acquired, then, determining its market value as an agricultural land and applying deduction of 60% is not appropriate. At the most, 10% deduction could be applied keeping in view the facts and circumstances of the present case. The learned counsels place reliance on sale deed (Ex.P3) and contend that the market value of acquired land on the basis of Ex.P3 comes to Rs.1,26,63,829/-.

4.3 Per contra, the learned senior counsel representing the HSIIDC contends that the HSIIDC has produced various sale exemplars which clearly prove that the market value of the parcels of land located in the

interiors (far away from the National Highway no.8) was below the amount offered by the LAC. While referring to the various sale exemplars, it is contended that the RC committed an error in relying upon Ex.P1, Ex.P2 and Ex.P3.

5. **DISCUSSION BY THIS COURT**

5.1 In order to determine the true market value of the acquired land, it is considered appropriate to compile the complete information with regard to various sale deeds produced by the respective parties in a table, for the sake of clarity and brevity. Accordingly, the table is compiled as under:-

Sr. No.	Exhibits	Sale deed No.	Date	Total Area	Sale consideration Rs.	Price per acre Rs.	Village
1.	RW2/1/ RWE/1/ RW4/1/ RW3/1	155	05.05.2008	1K-15M	3,15,000/-	14,40,000/-	Bawal
2.	RW2/2/ RWE/2/ RW4/2/ RW3/2	169	08.05.2008	4K-4M	8,00,000/-	15,23,810/-	Bawal
3.	RW2/3/ RWE/3/ RW4/3/ RW3/3	180	08.05.2008	3K	5,65,000/-	15,06,667/-	Bawal
4.	RW2/4/ RWE/4/ RW4/4/ RW3/4	214	13.05.2008	7K-19M	14,40,000/-	14,09,057/-	Bawal
5.	RW2/5/ RWE/5/ RW4/5/ RW3/5/ Ex.RA	1052	24.08.2007	2A-6K-4M	33,30,000/-	12,00,000/-	Bawal
6.	RW2/6/ RWE/6/ RW4/6/ RW3/6	1063	24.08.2007	6K-6M	9,45,000/-	12,00,000/-	Bawal
7.	RW2/7/ RWE/7/ RW4/7/ RW3/7	1122	31.08.2007	1K-10M	3,00,000/-	16,00,000/-	Bawal
8.	RW2/8/ RWE/8/ RW4/8/ RW3/8	1126	31.08.2007	2A-1K-6M	27,00,000/-	12,48,555/-	Bawal
9.	RW2/9/ RWE/9/	1157	10.09.2007	2K-6M	3,45,000/-	12,00,000/-	Bawal

	RW4/9/ RW3/9						
10.	RW2/10/ RWE/10/ RW4/10/ RW3/10	1295	27.09.2007	6A-1K- 16M	74,70,000/-	12,00,000/-	Bawal
11.	RW2/11/ RWE/11/ RW4/11/ RW3/11	1364	11.10.2007	1A-1K-9M	14,25,000/-	12,06,349/-	Bawal
12.	RW2/12/ RWE/12/ RW4/12/ RW3/12	1434	29.10.2007	4K	6,00,000/-	12,00,000/-	Bawal
13.	RW2/13/ RWE/13/ RW4/13/ RW3/13	1531	19.11.2007	1A-4K-8M	18,60,000/-	12,00,000/-	Bawal
14.	RW2/14/ RWE/14/ RW4/14/ RW3/14	1556	26.11.2007	1A-0K-5M	12,37,500/-	12,00,000/-	Bawal
15.	RW2/15/ RWE/15/ RW4/15/ RW3/15	1468	05.11.2007	47 Sq. Yards	47,000/-	48,40,000/-	Bawal
16.	RW2/16/ RWE/16/ RW4/16/ RW3/16	1676	20.12.2007	4K-5M	6,37,500/-	12,00,000/-	Bawal
17.	RW2/17/ RWE/17/ RW3/17	1702	27.12.2007	4K	7,00,000/-	14,00,000/-	Bawal
18.	RW2/18/ RWE/18/ RW4/17/ RW3/18	1724	28.12.2007	5K-19M	9,00,000/-	12,10,084/-	Bawal
19.	RW2/19/ RWE/19/ RW4/18/ RW3/19	1780	09.01.2008	1K-4M	1,80,000/-	12,00,000/-	Bawal
20.	RW2/20/ RWE/20/ RW4/19/ RW3/20	1689	24.12.2007	1A-6K	21,00,000/-	12,00,000/-	Bawal
21.	RW2/21/ RWE/21/ RW4/20/ RW3/21	2194	19.03.2008	2A-4K	36,00,000/-	14,40,000/-	Bawal
22.	RW2/22/ RWE/22/ RW4/21/ RW3/22	610	15.07.2008	3K-6M	5,94,000/-	14,40,000/-	Bawal
23.	RW2/23/ RWE/23/ RW4/22/ RW3/23	522	30.06.2008	2K-19M	5,31,000/-	14,40,000/-	Bawal

24.	RW2/24/ RWE/24/ RW4/23/ RW3/24	526	02.07.2008	7K-13M	13,77,000/-	14,40,000/-	Bawal
25.	RW2/25/ RWE/25/ RW4/24/ RW3/25	562	08.07.2008	3K-6M	5,94,000/-	14,40,000/-	Bawal
26.	RW2/26/ RWE/26/ RW4/25/ RW3/26	575	09.07.2008	7K-7M	13,23,000/-	14,40,000/-	Bawal
27.	RW2/27/ RWE/27/ RW4/26/ RW3/27	462	20.06.2008	2K	1,50,000/-	6,00,000/-	Panwar
28.	RW2/28/ RWE/28/ RW4/32/ RW3/28	1020	20.08.2007	3K-13M	4,57,000/-	10,01,644/-	Patuhera
29.	RW2/29/ RWE/29/ RW4/33/ RW3/29	26	04.04.2008	7K	5,25,000/-	6,00,000/-	Bagthala
30.	RW2/30/ RWE/30/ RW4/34/ RW3/30	1728	31.12.2007	1K-15M	1,10,000/-	5,02,857/-	Bagthala
31.	RW2/31/ RWE/31/ RW4/35/ RW3/31	1682	24.12.2007	1A-0K- 15M	5,47,000/-	5,00,114/-	Bagthala
32.	RW2/32/ RWE/32/ RW4/36/ RW3/32	1550	23.11.2007	1K-16M	1,12,500/-	5,00,000/-	Bagthala
33.	RW2/33/ RWE/33/ RW4/37/ RW3/33	1618	07.12.2007	7K-2M	4,43,750/-	5,00,000/-	Bagthala
34.	RW2/34/ RWE/34/ RW4/38/ RW3/34	473	23.06.2008	7K	5,25,000/-	6,00,000/-	Bagthala
35.	RW2/35/ RWE/35/ RW4/39/ RW3/35	454	19.06.2008	2K	1,50,000/-	6,00,000/-	Bagthala
36.	RW2/36/ RWE/36/ RW4/40/ RW3/36	392	10.06.2008	1A-1K-0M	7,00,000/-	6,95,652/-	Bagthala
37.	RW2/37/ RWE/37/ RW4/41/ RW3/37	2153	10.03.2008	1Acre	6,00,000/-	6,00,000/-	Bagthala
38.	RW2/38/ RWE/38/	1110	30.08.2007	2K-16M	1,75,000/-	5,00,000/-	Bagthala

	RW4/42/ RW3/38						
39.	RW2/39/ RWE/39/ RW4/43/ RW3/39	110	25.04.2008	1A-2K-7M	20,70,000/-	16,00,000/-	Asalwas
40.	RW2/40	1985	03.01.2007	1K-13M	1,65,000/-	4,98,113/-	Banipur
41.	RW2/41	984	09.08.2006	15K-3M	5,00,000/-	2,64,026/-	Banipur
42.	Ex.R-F/ RW2/1/ RW5/A/ RW31/ Ex.RW1/3/ Ex.RC	6665	06.12.2007	4K-3M	5,71,000/-	11,00,723/-	Karnawas
43.	Ex.R-G/ RW2/2/ RW5/D/ Ex.RW/ Ex.RW1/1	5854	29.10.2007	1A-0K-8M	11,55,000/-	11,00,000/-	Karnawas
44.	Ex.RW-H/ RW2/3/ RW5/B/ Ex.RW3/ Ex.RW1/2/ Ex.RB	6458	28.11.2007	2K	3,00,000/-	12,00,000/-	Karnawas
45.	Ex.RW-I/ RW2/4/ RW5/C/ Ex.RW/ RW1/4/ Ex.RD	1301	30.05.2008	1A-0K-3M	13,24,500/-	13,00,123/-	Karnawas

Sr. No .	Exhibits	Sale deed No.	dated	Area	Sale consideration Rs.	Price per Acre Rs.	Village
1.	PW4/3	4676	30.10.2009	1A-3K-9M	67,27,000/-	47,00,087/-	Dodhhai
2.	P-27	2254	15.02.2007	5K-1M	15,80,000/-	25,02,970/-	Asalwas
3.	P-28	2255	15.02.2007	5K-1M	15,80,000/-	25,02,970/-	Asalwas
4.	SKP-17	199	05.05.2006	13K-16M	43,12,500/-	25,00,000/-	Asalwas
5.	SKP-20	2386	06.03.2007	5M	5,00,000/-	1,60,00,000/-	Asalwas
6.	SKP-21	1513	13.10.2006	9M	8,00,000/-	1,42,22,222/-	Asalwas
7.	SKP-22	1655	14.12.2007	34 sq.yards	5,40,000/-	7,68,70,588/-	Bawal
8.	SKP-23	1243	19.09.2007	160 sq.yards	15,80,000/-	4,77,95,000/-	Bawal
9.	SKP-24	1719	22.11.2006	1 Marla	3,80,000/-	6,08,00,000/-	Chirhara
10.	SKP-25	1720	22.11.2006	1 Marla	3,80,000/-	6,08,00,000/-	Chirhara
11.	SKP-26	622	20.06.2007	133 sq. yards	10,64,000/-	3,87,20,000/-	Chirhara
12.	Ex.PXSK/ 1/Ex.P-3	6257	16.11.2007	7A-2K-15M	9,30,00,000/-	1,26,63,830/-	Dodhhai
13.	Ex.PXSK/ 2/Ex.P-2	6800	12.12.2007	4A-0K-4M	3,96,36,000/-	98,47,453/-	Dodhhai

14.	Ex.PXSK/ 3/Ex.P-1	179	10.04.2008	10A-5K- 16M	8,55,00,000/-	79,22,028/-	Dodhhai
15.	Ex.P-4	7800	22.12.2006	1K-2M	5,61,614/-	40,84,465/-	Dodhhai
16.	Ex.P-5	854	09.05.2007	18M	5,45,000/-	48,44,444/-	Dodhhai

5.2 It may be noted here that in evidence, various layout plans have been produced by the parties. The layout plan Ex.RW3/1 is with respect to the property located in village Karnawas. It is evident that acquired land of village Karnawas does not abut the National Highway No.8. As regards the acquired land of village Deodhai, it is evident that a very small parcel of land in one corner of the acquired land abuts the Delhi-Jaipur Highway. Moreover, there is a layout plan produced by HSIIDC as Ex.RW6/A. A careful perusal thereof proves that the acquired land for Phase-IV (instant acquisition) is located around the already developed land of Phase-I and Phase-II. In fact, only a small portion of the land abuts the National Highway, whereas, the remaining land is in the shape of two strips of land which moves in a semi circular manner around the land already acquired for developing Phase-I and Phase-II of the Industrial Model Township. If one carefully looks at the layout plan, it is evident that the entire acquired land is in the shape of a semi-circular parcel of land surrounding the already acquired. Out of the acquired land, in the instant cases, some portion is located on the North-Eastern side of the National Highway No.8, whereas, the remaining portion is on the South-Western side. A significant portion of the acquired land is located far away from the National Highway. It is also evident from a perusal of the various layout plans as well as the sale deeds produced in evidence by the State that the price of the acquired land in the interiors i.e. away from the National Highway is nowhere comparable with the acquired land located on the National Highway.

5.3 In village Bakhthala, the land sold vide sale deed no.473 dated 23.06.2008 @ Rs.6,00,000/- per acre is located hardly, at a distance of 10 acres from the acquired land. Similarly, in village Karnawas, the parcels of land which are the subject matter of sale deed No.5854 sold @ Rs.11,00,000/- per acre and sale deed No.1301 sold @ Rs.13,00,123/- per acre are also located in close vicinity of the acquired land. On the same pattern, the parcel of land sold through the sale deed No.110 @ Rs. 16,00,000/- per acre in village Aasalwas is also located near the acquired land. From the tabulated compilation given in para 5.1, it is evident that the HSIIDC has produced a large number of sale deeds to prove that the market value of the acquired land is not what is being claimed by the landowners. In fact, in village Bawal the offices of the sub-division are located. The State has produced a large number of sale deeds pertaining to the sale of land in the revenue estate of Bawal itself. It has also been proved that the various sale deeds of village Pathuhera, Bakhthala, Karnawas, Aasalwas, have been produced by HSIIDC to prove the market value of the acquired land, at the relevant time, which have, unfortunately, been kept out of consideration by the RC.

5.4 It may be noted here that the prices of the parcels of land located on the National Highway are quite high. The parcel of land represented by the sale deed No.179 is located in vicinity of the acquired land. The sale deed No.179 dated 10.04.2008, shows that the 85 kanals and 60 marlas of land has been sold for a total sale consideration of Rs.8,55,00,000/-. The per acre price comes to Rs.79,72,028/-. The Sale deed No.6800 is with respect to a partially constructed area as around 1928 sq. yards of area from the total area sold vide sale deed is covered area. Hence,

it is not considered appropriate to rely upon sale deed No.6800. Similarly, on a careful study of the sale deed No.6257, it is evident that 13333 sq. yards of area was already constructed. Hence, the value of construction was included in the sale deed.

5.5 It may be noted here that sale deed no.179 is the only sale instance of a comparable parcel of land sold during the contemporaneous period which has been produced by the landowners. This parcel of land is located in village Deodhai. It has come on record that it is located on National Highway No.8. Thus, a major part of the land sold through this sale deed is existing on the National Highway. Hence, it is not considered appropriate to rely upon the aforesaid sale instance without applying an appropriate deduction towards the development cost as well as deduction on account of passages, roads, and other common facilities which are required to be provided.

5.6 There is another important issue which requires discussion. The acquired land is not in a compact block. As already noticed, it is in a semi circular shape with a very small portion of the acquired land located on the National Highway, whereas, a substantial portion of the acquired land is located far away from the National Highway. It is proved on the file that the market value of the acquired land has not increased uniformly. If the entire land is assessed at a uniform rate, it will lead to injustice to the parties. If the price of the acquired land is determined on the basis of the land situated on the National Highway, the landowners will get unjust enrichment at the cost of HSIIDC and the public exchequer would be unreasonably burdened. Whereas, if the entire land is assessed as agricultural land, the owners of the land, which is located on the National Highway, would suffer

loss by being deprived of the fair market value of their acquired land. In such circumstances, there is a well known concept of creating belts/notional divisions in the acquired land in order to divide the land in different parcels for the purpose of assessing the market value. In the present case, the aforesaid method is required to be adopted.

5.7 Keeping in view the aforesaid facts, the land located on the National Highway upto the depth of two acres is assessed @ Rs.63,77,623 (rounded figure) after applying deduction @ 20% on the amount of Rs.79,72,028/-(which is the per acre price of land sold vide sale deed No.179 dated 10.04.2008). This deduction has been applied on account of developmental cost of infrastructure and the land and resources required to be used for providing roads, streets and other common facilities.

5.8 Now, let's examine the sale deeds produced by the various parties with respect to the land located at a distance from the National Highway. As already noticed, the landowners have not produced any evidence to prove that the amount offered by the LAC is inadequate. The landowners have not produced any comparable sale deed to prove the price of the land in the interiors i.e. far away from the National Highway. On a careful perusal of the various sale deeds produced by the State, it is evident that the prices of the agricultural land situated in village Bakhthala, Pathuhera, Bawal, Karnawas, Aasalwas, were not beyond Rs.16,00,000/- per acre. The acquisition is with respect to a very large area. In fact, the total acquired land would be around 670 acres. It may be noted here that recently, this Court had the opportunity to decide the appeals arising from acquisition of land for development of Phase-III of Industrial Model Township at Bawal. The acquired land in the aforesaid cases is also located

in the vicinity.

5.9. It may be noted here that the landowners have also relied upon the various awards passed by the LAC. In the absence of evidence to prove that the acquired land in the various awards is comparable with the acquired land in this acquisition, it will not be appropriate to rely upon the same for the purpose of assessing the market value. Even the RC has not relied upon the aforesaid awards.

5.10. As regards the sale of hotel site measuring 3250 square meters auctioned for Rs.15.5 Crores, it has come in evidence of the connected appeals that the buyer did not pay the auction price resulting in cancellation of the allotment. Even otherwise, the sale of a hotel site in a developed area is not comparable with the acquired land which is agricultural in nature.

6. **DECISION**

6.1 Keeping in view the aforesaid facts, the award passed by the LAC offering Rs.16,00,000/- per acre to the landowners whose land is located beyond the depth of two acres from the National Highway on both sides is upheld and the award of the RC with respect to such landowners is set aside, whereas, the assessment of the RC with respect to the remaining land which is located upto the depth of 2 acres from the National Highway-8 is modified. Accordingly, the market value for the landowners whose land is located on the National Highway upto the depth of two acres is assessed @ Rs.63,77,623/- per acre.

6.2 Resultantly, all the appeals are disposed of.

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

27th September, 2022
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO

Sr. No.	Case No.	Parties Details
1.	RFA-494-2022	HSI IDC VS BABU LAL AND OTHERS
2.	RFA-1043-2022	HAZARI AND OTHERS VS STATE OF HARYANA AND OTHERS
3.	RFA-866-2022	NATHU RAM AND OTHERS VS STATE OF HARYANA AND OTHERS
4.	RFA-1045-2022	CHANDGI RAM AND ANR VS STATE OF HARYANA AND OTHERS
5.	RFA-867-2022	KANWAR SINGH AND OTHERS VS STATE OF HARYANA AND OTHERS
6.	RFA-1046-2022	CHANDGI RAM AND ANR VS STATE OF HARYANA AND OTHERS
7.	RFA-1000-2022	RAM KUMAR @ RAMPHAL AND OTHERS VS STATE OF HARYANA AND OTHERS
8.	RFA-869-2022	NIHAL AND OTHERS VS STATE OF HARYANA AND OTHERS
9.	RFA-870-2022	KALU RAM ALIAS BALLU RAM AND OTHERS VS STATE OF HARYANA AND OTHERS
10.	RFA-873-2022	BALLU RAM AND OTHERS VS STATE OF HARYANA AND OTHERS
11.	RFA-1015-2022	SMT. SURENDER KAUR ALIAS SURINDER AMARJIT SINGH VS STATE OF HARYANA AND OTHERS
12.	RFA-872-2022	MEHANT ADITIYA NATH YOGI CHELA AZAD NATH CHELA SURAJ NATH VS STATE OF HARYANA AND OTHERS
13.	RFA-868-2022	PATRAM VS STATE OF HARYANA AND OTHERS
14.	RFA-871-2022	DINESH KUMAR @ HAWA SINGH AND ANOTHER VS STATE OF HARYANA AND OTHERS
15.	RFA-1044-2022	HAZARI AND OTHERS VS STATE OF HARYANA AND OTHERS
16.	RFA-491-2022	HSI IDC VS LALA RAM DECEASED THROUGH LRS AND OTHERS
17.	RFA-492-2022	HSI IDC VS JAI NARAIN AND OTHERS
18.	RFA-493-2022	HSI IDC VS SANTOSH DEVI AND OTHERS
19.	RFA-564-2022	HSI IDC VS PARKASH AND ORS
20.	RFA-567-2022	HSI IDC VS PITARIYA AND ORS
21.	RFA-306-2022	HSI IDC VS MS. MANJU KUMAR AND OTHERS
22.	RFA-305-2022	HSI IDC VS DALIP AND OTHERS
23.	RFA-309-2022	HSI IDC VS TESHU AND OTHERS
24.	RFA-314-2022	HSI IDC VS RAI SINGH AND OTHERS
25.	RFA-269-2022	RAM NARAIN (DECEASED) THROUGH LRS. VS STATE OF HARYANA AND OTHERS
26.	RFA-336-2022	HSI IDC VS UMRAO AND ORS
27.	RFA-335-2022	HSI IDC VS SURENDER AND OTHERS
28.	RFA-401-2022	HSI IDC VS HOSHIYAR SINGH AND OTHERS
29.	RFA-301-2022	HSI IDC VS ASHISH MINOR THR. HIS MOTHER AND ORS
30.	RFA-350-2022	HSI IDC VS UMRAO SINGH AND ORS
31.	RFA-271-2022	KRISHAN @ KRISHAN CHAND AND ORS VS STATE OF HARYANA AND OTHERS
32.	RFA-402-2022	HSI IDC VS VINOD KUMAR AND OTHERS
33.	RFA-434-2022	HSI IDC VS HAWA SINGH AND OTHERS
34.	RFA-435-2022	HSI IDC VS SUNERO AND OTHERS
35.	RFA-504-2022	HSI IDC VS RAMAVTAR AND OTHERS
36.	RFA-503-2022	HSI IDC VS NARESH RAJ AND ORS
37.	RFA-512-2022	HSI IDC VS NAND KISHORE @ NAND RAM AND ORS.
38.	RFA-313-2022	HSI IDC VS NIHAL AND ORS

39.	RFA-797-2022	KAMAL SINGH VS STATE OF HARYANA AND OTHERS
40.	RFA-783-2022	BHIM SINGH SINCE DECEASED THROUGH HIS LRS AND OTHERS VS STATE OF HARYANA AND OTHERS
41.	RFA-785-2022	PRIBHU DAYAL SINCE DECEASED THROUGH HIS LRS AND ORS VS STATE OF HARYANA AND OTHERS
42.	RFA-397-2022	HSI IDC VS SHER SINGH AND OTHERS
43.	RFA-257-2022	MANGAL SINCE DECEASED THROUGH HIS LRS VS STATE OF HARYANA AND OTHERS
44.	RFA-549-2022	HSI IDC VS SULTAN AND ORS
45.	RFA-307-2022	HSI IDC VS HAJARI AND OTHERS
46.	RFA-498-2022	HSI IDC VS PITARIYA AND OTHERS
47.	RFA-526-2022	HSI IDC VS KAMAL SINGH AND ORS
48.	RFA-553-2022	HSI IDC VS KANWAR SINGH AND ORS
49.	RFA-554-2022	HSI IDC VS NATHU RAM AND ORS
50.	RFA-543-2022	HSI IDC VS RAM KANWAR AND ORS
51.	RFA-438-2022	HSI IDC VS SATISH KUMAR DECEASED THR. LRS AND OTHERS
52.	RFA-625-2022	PARMAL AND OTHERS VS STATE OF HARYANA AND OTHERS
53.	RFA-544-2022	HSI IDC VS VIKRAM SINGH AND OTHERS
54.	RFA-545-2022	HSI IDC VS SH. RAMPAL AND ORS
55.	RFA-645-2022	SURENDER SINGH AND OTHERS VS STATE OF HARYANA AND OTHERS
56.	RFA-651-2022	SHEONARAYAN (SINCE DECEASED) THR LRS AND ORS VS STATE OF HARYANA AND OTHERS
57.	RFA-790-2022	CHANDRO ALIAS CHANDRO DEVI AND ANOTHER VS STATE OF HARYANA AND OTHERS
58.	RFA-302-2022	HSI IDC VS SURENDER SINGH AND ORS
59.	RFA-803-2022	SEDHU (SINCE DECEASED) THR LRS AND ANOTHER VS STATE OF HARYANA AND OTHERS
60.	RFA-343-2022	HSI IDC VS SHIRIYA AND OTHERS
61.	RFA-419-2022	HSI IDC VS HAZARI AND ORS
62.	RFA-424-2022	HSI IDC VS GRAM PANCHAYAT BAGTHALA THR. SARPANCH AND ORS
63.	RFA-425-2022	HSI IDC VS ATTAR SINGH AND ORS
64.	RFA-436-2022	HSI IDC VS SATYAPAL SINGH AND OTHERS
65.	RFA-439-2022	HSI IDC VS PARKASH AND ORS
66.	RFA-362-2022	HSI IDC VS BASTI RAM AND ORS
67.	RFA-456-2022	HSI IDC VS GRAM PANCHAYAT, VILLAGE KARNAWAS AND OTHERS
68.	RFA-457-2022	HSI IDC VS RAM PHAL AND ORS
69.	RFA-303-2022	HSI IDC VS MANGAL DECEASED THR. LRS AND OTHERS
70.	RFA-657-2022	MAN SINGH AND OTHERS VS STATE OF HARYANA AND OTHERS
71.	RFA-509-2022	HSI IDC VS RATAN CHAND AND ORS.
72.	RFA-520-2022	HSI IDC VS MANGAL DECEASED THR. LRS AND OTHERS
73.	RFA-521-2022	HSI IDC VS NAWAL SINGH AND ORS
74.	RFA-262-2022	SHER SINGH AND ORS VS STATE OF HARYANA AND OTHERS
75.	RFA-421-2022	HSI IDC VS MATADIN SINCE DECEASED THR. LRS AND ORS
76.	RFA-483-2022	HSI IDC VS SHADI RAM AND OTHERS
77.	RFA-654-2022	MAN SINGH AND OTHERS VS STATE OF HARYANA AND OTHERS
78.	RFA-682-2022	GRAM PANCHAYAT KARNAWAS THROUGH SECRETARY VS STATE OF HARYANA AND OTHERS
79.	RFA-308-2022	HSI IDC VS KHUSHI RAM AND OTHERS
80.	RFA-506-2022	HSI IDC VS DAULAT RAM AND OTHERS

81.	RFA-514-2022	HSI IDC VS SMT. SHANTI AND OTHERS
82.	RFA-515-2022	HSI IDC VS RAMESHWAR DAYAL AND OTHERS
83.	RFA-340-2022	HSI IDC VS SHIV LAL AND ORS
84.	RFA-341-2022	HSI IDC VS RAMESH KUMAR AND OTHERS
85.	RFA-408-2022	HSI IDC VS SUKHRAM AND ORS
86.	RFA-415-2022	HSI IDC VS MAN SINGH AND ORS
87.	RFA-542-2022	HSI IDC VS RAI SINGH AND ORS
88.	RFA-559-2022	HSI IDC VS MAN SINGH AND ORS
89.	RFA-561-2022	HSI IDC VS SAJJAN SINGH AND ORS
90.	RFA-556-2022	HSI IDC VS SEDHU AND ORS
91.	RFA-558-2022	HSI IDC VS MAN SINGH AND ORS
92.	RFA-461-2022	HSI IDC VS RAM NARAIN AND OTHERS
93.	RFA-464-2022	HSI IDC VS CHANDRO AND OTHERS
94.	RFA-565-2022	HSI IDC VS BHIM SINGH AND OTHERS
95.	RFA-784-2022	PRIBHU DAYAL SINCE DECEASED THROUGH HIS LRS AND ORS VS STATE OF HARYANA AND OTHERS
96.	RFA-624-2022	SATYAPAL SINGH ALIAS SATPAL AND ORS VS STATE OF HARYANA AND OTHERS
97.	RFA-254-2022	DHARAM CHAND AND OTHERS VS STATE OF HARYANA AND OTHERS
98.	RFA-417-2022	HSI IDC VS KAMAL SINGH AND ORS
99.	RFA-416-2022	HSI IDC VS BHARAT SINGH AND ORS
100.	RFA-463-2022	HSI IDC VS RAMESHWAR AND OTHERS
101.	RFA-650-2022	MAN SINGH AND OTHERS VS STATE OF HARYANA AND OTHERS
102.	RFA-533-2022	HSI IDC VS BUDHRAM AND OTHERS
103.	RFA-534-2022	HSI IDC VS RAM NARAIN AND ORS
104.	RFA-363-2022	HSI IDC VS SATYABIR AND OTHERS
105.	RFA-659-2022	ARJUN SINGH @ ARJUN AND OTHERS VS STATE OF HARYANA AND OTHERS
106.	RFA-530-2022	HSI IDC VS SULTAN AND OTHERS
107.	RFA-531-2022	HSI IDC VS SATYAPAL SINGH AND ORS
108.	RFA-683-2022	HOSHIYAR SINGH AND OTHERS VS STATE OF HARYANA AND OTHERS
109.	RFA-655-2022	RATIRAM ALIAS RATTU (SINCE DECEASED) THR LRS AND OTHERS VS STATE OF HARYANA AND OTHERS
110.	RFA-507-2022	HSI IDC VS VIKRAM SINGH AND ORS
111.	RFA-339-2022	HSI IDC VS SMT. PARVEEN AND ORS
112.	RFA-338-2022	HSI IDC VS DHARAMBIR AND OTHERS
113.	RFA-345-2022	HSI IDC VS SHEONARAYAN AND OTHERS
114.	RFA-528-2022	HSI IDC VS RAM PHAL AND ORS
115.	RFA-529-2022	HSI IDC VS KUDIYA AND OTHERS
116.	RFA-547-2022	HSI IDC VS DHARAM CHAND AND ORS
117.	RFA-685-2022	SOMDUTT AND ORS VS STATE OF HARYANA AND ANOTHER
118.	RFA-619-2022	RAJESH KUMAR ALIAS RAJESH AND OTHERS VS STATE OF HARYANA AND OTHERS
119.	RFA-273-2022	DAULAT RAM AND ANR VS STATE OF HARYANA AND OTHERS
120.	RFA-276-2022	SHAMSHER SINGH AND ANR VS STATE OF HARYANA AND OTHERS
121.	RFA-410-2022	HSI IDC VS JAG RAM AND ORS
122.	RFA-428-2022	HSI IDC VS RAMPAL AND ORS
123.	RFA-560-2022	HSI IDC VS RAM CHANDER AND ORS
124.	RFA-437-2022	HSI IDC VS PATRAM AND ORS
125.	RFA-441-2022	HSI IDC VS JUG LAL AND ORS
126.	RFA-444-2022	HSI IDC VS CHANDGI RAM AND ORS
127.	RFA-445-2022	HSI IDC VS KALU RAM ALIAS BALU RAM AND ORS

128.	RFA-278-2022	DHARMENDER AND ORS VS STATE OF HARYANA AND OTHERS
129.	RFA-260-2022	MEHAR CHAND AND ANOTHER VS STATE OF HARYANA AND OTHERS
130.	RFA-304-2022	HSI IDC VS RAM SINGH AND OTHERS
131.	RFA-319-2022	HSI IDC VS KISHORI LAL AND OTHERS
132.	RFA-496-2022	HSI IDC VS SHISHPAL AND ORS
133.	RFA-346-2022	HSI IDC VS RAM KUNWAR AND ORS.
134.	RFA-414-2022	HSI IDC VS UMRAO AND ORS
135.	RFA-413-2022	HSI IDC VS MEHAR CHAND AND ORS
136.	RFA-501-2022	HSI IDC VS RAMJI LAL DECEASED THROUGH HIS LRS RAMESH AND OTHERS
137.	RFA-518-2022	HSI IDC VS LAXMI NARAYAN AND OTHERS
138.	RFA-525-2022	HSI IDC VS ASHOK KUMAR AND ORS
139.	RFA-546-2022	HSI IDC VS RAMESHWAR AND ORS
140.	RFA-557-2022	HSI IDC VS MATADIN DECEASED THROUGH LRS AND ORS
141.	RFA-454-2022	HSI IDC VS SHREE CHAND AND OTHERS
142.	RFA-455-2022	HSI IDC VS SUMER SINGH AND ORS.
143.	RFA-458-2022	HSI IDC VS SOMDUTT AND OTHERS
144.	RFA-459-2022	HSI IDC VS KARTAR SINGH AND ORS
145.	RFA-646-2022	KARTAR SINGH (SINCE DECEASED) THROUGH LRS AND OTHERS VS STATE OF HARYANA AND OTHERS
146.	RFA-405-2022	HSI IDC VS CHANDGI RAM AND ORS
147.	RFA-407-2022	HSI IDC VS DHARAM CHAND AND ORS
148.	RFA-488-2022	HSI IDC VS HUKAM SINGH AND ORS
149.	RFA-500-2022	HSI IDC VS BABU LAL AND ORS
150.	RFA-499-2022	HSI IDC VS SURENDER SINGH AND ORS
151.	RFA-517-2022	HSI IDC VS BHAJJU @ BHAJAN LAL AND OTHERS
152.	RFA-265-2022	LALA RAM (DECEASED) THOUGH LRS AND ORS VS STATE OF HARYANA AND OTHERS
153.	RFA-621-2022	DHARAMBIR AND ORS VS STATE OF HARYANA AND OTHERS
154.	RFA-251-2022	MAHA SINGH VS STATE OF HARYANA AND OTHERS
155.	RFA-411-2022	HSI IDC VS HANUMAN AND ORS
156.	RFA-548-2022	HSI IDC VS SHIRIYA AND OTHERS
157.	RFA-551-2022	HSI IDC VS SHADI RAM AND ORS
158.	RFA-277-2022	VINOD KUMA AND ANR VS STATE OF HARYANA AND OTHERS
159.	RFA-412-2022	HSI IDC VS DHARAM PAL AND ORS
160.	RFA-420-2022	HSI IDC VS BALLU RAM AND ORS
161.	RFA-432-2022	HSI IDC VS NATHU RAM AND ORS
162.	RFA-333-2022	HSI IDC VS HAZARI AND ORS
163.	RFA-342-2022	HSI IDC VS KRISHAN AND OTHERS
164.	RFA-344-2022	HSI IDC VS PARTAP AND OTHERS
165.	RFA-364-2022	HSI IDC VS RAM CHANDER AND ORS
166.	RFA-462-2022	HSI IDC VS KAILASH CHAND AND OTHERS
167.	RFA-656-2022	ARJUN AND OTHERS VS STATE OF HARYANA AND OTHERS
168.	RFA-431-2022	HSI IDC VS MEHANT ADITIYA NATH YOGI AND ORS
169.	RFA-433-2022	HSI IDC VS MAHA SINGH AND ORS
170.	RFA-490-2022	HSI IDC VS TESHU AND ORS
171.	RFA-489-2022	HSI IDC VS RATTI RAM DECEASED THROUGH LRS AND ORS
172.	RFA-495-2022	HSI IDC VS HAZARI AND ORS
173.	RFA-263-2022	ANIL KUMAR AND ANR VS STATE OF HARYANA AND OTHERS
174.	RFA-322-2022	HSI IDC VS NATHU RAM AND ORS

175.	RFA-452-2022	HSI IDC VS RAGBIR AND OTHERS
176.	RFA-460-2022	HSI IDC VS KARAN SINGH AND ORS
177.	RFA-524-2022	HSI IDC VS JAG RAM AND ORS
178.	RFA-312-2022	HSI IDC VS ANIL KUMAR AND OTHERS
179.	RFA-658-2022	SHIRIYA ALIAS SHRI RAM (SINCE DECEASED) THR LRS AND ANR VS STATE OF HARYANA AND OTHERS
180.	RFA-660-2022	ATTAR SINGH AND OTHERS VS STATE OF HARYANA AND OTHERS
181.	RFA-648-2022	SHIRIYA ALIAS SHRI RAM (SINCE DECEASED) THR LRS AND ANR VS STATE OF HARYANA AND OTHERS
182.	RFA-555-2022	HSI IDC VS KANWAR SINGH AND ORS
183.	RFA-267-2022	RAI SINGH (SINCE DECEASED) THOUGH LRS. VS STATE OF HARYANA AND OTHERS
184.	RFA-453-2022	HSI IDC VS MAN SINGH AND OTHERS
185.	RFA-334-2022	HSI IDC VS SMT. SUNITA YADAV AND ORS
186.	RFA-337-2022	HSI IDC VS OM PARKASH AND ORS.
187.	RFA-686-2022	PRAKASH CHAND (DECEASED) THOUGH LRS AND ORS VS STATE OF HARYANA AND OTHERS
188.	RFA-399-2022	HSI IDC VS DHARMENDER AND OTHERS
189.	RFA-404-2022	HSI IDC VS SMT. SURENDER KAUR AND ORS
190.	RFA-418-2022	HSI IDC VS CHANDGI RAM AND ORS
191.	RFA-422-2022	HSI IDC VS RATTI RAM AND ORS
192.	RFA-622-2022	RAMESH KUMAR @ RAMESH CHAND AND ANR VS STATE OF HARYANA AND OTHERS
193.	RFA-623-2022	RAMJI LAL (DECEASED) THOUGH LRS AND ORS VS STATE OF HARYANA AND OTHERS
194.	RFA-423-2022	HSI IDC VS GARIBA RAM AND ORS
195.	RFA-427-2022	HSI IDC VS MAN SINGH AND ORS
196.	RFA-430-2022	HSI IDC VS SEDHU AND ORS
197.	RFA-429-2022	HSI IDC VS BHIM SINGH AND ORS
198.	RFA-620-2022	PARTAP (SINCE DECEASED) THR LRS AND OTHERS VS STATE OF HARYANA AND OTHERS

(ANIL KSHETARPAL)
JUDGE