

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA-384-2020 (O&M) &
connected cases
Reserved on:- 23.11.2022
Date of decision: 15.12.2022

SATYAPAL AND ANR.

..Appellants

Versus

STATE OF HARYANA AND ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep Kumar Yadav, Advocate
Mr. J.P. Sharma, Advocate
for the landowners.

Mr. Shivendra Swaroop, AAG, Haryana.

ANIL KSHETARPAL, J.

1. **Introduction and background:**

1.1 While praying for modification of the award passed by the Reference Court (hereinafter referred to as 'the RC') on 18.10.2019, the landowners have come up in appeals (details whereof are at the foot of the judgment). The notification under Section 4, 6 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the 1894 Act') and the awards passed by the Land Acquisition Collector (hereinafter referred to as 'the LAC') as well as RC, are common. The learned counsel representing the parties are *ad idem* that this batch of appeals can conveniently be disposed of by a common judgment.

1.2 The relevant particulars of this batch of appeals, in brief, are as under:

Sr. No.	Particulars	Relevant Date
1.	Preliminary notification under Section 4 of the 1894 Act	08.02.2011
2.	Area of the land	55 kanals and 6 marlas
3.	Location of the land	Village Sheoramnathpura
4.	Purpose of acquisition	Construction of road (widening/four laning etc) maintenance, management and operation of Major District Road-129 from Rai Malikpur to Narnaul.
5.	Declaration under Section 6 was issued.	19.07.2006
6.	Number and date of LAC award	Award No.11 dated 22.02.2012
7.	Amount assessed by the LAC	The LAC offered to pay the market value of the acquired land measuring 55 kanals and 6 marlas at the rate of Rs.20,00,000/- per acre.
8.	Date of RC's award	17.05.2017
9.	Amount assessed by the RC	In the first round, the RC assessed the market value of the acquired land at the rate of Rs.24,69,852/- per acre.
10.	17.02.2019	While relying upon a previous award of the acquired land in village Totaheri, the High Court set aside the award while remitting the cases back to the RC for deciding afresh.
11.	18.10.2019	The RC has dismissed the petitions filed under Section 18 of the 1894 Act.

FACTS:

1.3 While claiming that the assessment made by the LAC is erroneous, the landowners state that the land is abutting the road and is commercial in nature. The market value of the acquired land was not less than Rs.50,000/- per sq. yard, at the relevant time as it is located on the State Highway. The development potentiality and its existing position has not been examined while assessing the amount. There is a factory area in the

nearby land and on some portion of the acquired land, houses have been constructed.

1.4 On the other hand, while contesting the petitions, the State of Haryana claims that the LAC has offered a fair, reasonable and adequate market value. It is submitted that the LAC has taken into consideration all factors including the sale deeds before offering the amount.

3.1 The RC, on appreciation of the pleadings, culled out the following issues for adjudication:-

- “1. What was the market value of the acquired land at the rate of publication of notification under section 4 of the Land Acquisition Act? OPP
2. Whether the petitioners are entitled for enhanced compensation, if so, at what rate? OPP
3. Whether petitioners are entitled to get compensation on account of superstructures, trees etc. ? OPP
4. Relief.”

2. **Evidence produced by the respective parties:**

2.1 In oral the evidence, the landowners examined the following witnesses:-

PW-1	Sh. Naresh Kumar
PW-2	Sh. Sher Singh
PW-3	Sh. Dharampal
PW-4	Sh. Ashok
PW-5	Sh. Dalip
PW-6	Sh. Rohtash
PW-7	Sh. Dharmender
PW-8	Sh. Mahesh Kumar
PW-9	Sh. Kailash Kumar Sain, Draftsman

2.2 In documentary evidence, the landowners produced the following evidence in support of their case apart from the sale deeds, a tabulated compilation of which is given in para 4.4:-

<i>Ex.P-1</i>	<i>Copy of award No.11 dated 22.02.2012</i>
<i>Ex.P-2 to Ex.P-15</i>	<i>Copies of statement No.19</i>
<i>Ex.P-P-16 to Ex.P-22, Ex.P25 to Ex.P-27, Ex.P-49</i>	<i>Copies of jamabandies</i>
<i>Ex.P-P-23, Ex.P-24, Ex.P-28 to Ex.P-39, Ex.P-48 & Ex.P-50</i>	<i>Copies of mutations</i>
<i>Ex.P-40</i>	<i>Copy of Aks-shijra</i>
<i>Ex.P-41 and Ex.P-42</i>	<i>Photographs</i>
<i>Ex.P-43 and Ex.P-44, Ex.P-51 to Ex.P-53</i>	<i>Copies of sale deeds</i>
<i>Ex.P-45 to Ex.P-47</i>	<i>Applications</i>

2.3 On the other hand, in oral evidence, the State of Haryana examined RW-1 Sh. Sajjan Singh, the Sub-Divisional Engineer.

2.4 In documentary evidence, the State of Haryana produced the following documents apart from the sale deeds, a tabulated compilation of which is given in para 4.4:-

<i>Ex.R-1 and Ex.R-2</i>	<i>Copies of sale deeds</i>
<i>Ex. R-3</i>	<i>Gazette notification under Section 4</i>
<i>Ex.R-4</i>	<i>Rate list fixed by committee</i>
<i>Ex.R-5</i>	<i>Copy of Aks-shijra</i>
<i>Ex.R-6</i>	<i>Copy of jamabandi</i>

3. **Analysis of reasons recorded by the RC:**

3.2 The RC has dismissed the applications filed under Section 18 of the 1894 Act while upholding the amount offered by the LAC. It has been held that the RC's award Ex.PX with respect to village Totaheri is not an appropriate evidence for assessing the market value in village Sheoramnathpura. After discussing the sale deeds produced by the

landowners as well as the State of Haryana, the RC has concluded that there is no evidence to hold that the amount offered by the LAC is inadequate and unjust.

4. Discussion and analysis of the arguments of the the learned counsel representing the parties:

4.1 This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the impugned judgments along with the lower Court record, which was requisitioned.

4.2 On the one hand, the learned counsel representing the landowners claim that the RC has erred in dismissing the reference petitions.

4.3 On the other hand, the learned counsel representing the State of Haryana contends that there is no error in the judgment passed by the RC.

4.4 At this stage, it is considered appropriate to compile the complete information in respect of various sale deeds produced by the parties in a tabulated form:-

SALE DEED PRODUCED BY THE LANDOWNERS							
Sr. No.	Exhibit Nos.	Sale Deed No.	Date	Total Area	Amount (in Rs.)	Amount Per Acre (in Rs.)	Village
1	P-43	1384	29.12.2006	32 kanal	16,00,000/-	4,00,000/-	Sheoramnathpura
2	P-44	1673	07.03.2007	41K-18M	21,00,000/-	4,00,955/-	Sheoramnathpura
3	P-51	78	06.05.2005	1K	1,08,000/-	8,64,000/-	Sheoramnathpura
SALE DEED PRODUCED BY THE STATE							
1	R-1	70	30.04.2010	3K-14M	3,30,000/-	7,13,514/-	Sheoramnathpura
2	R-2	308	05.07.2010	3K-13M	4,00,000/-	8,76,712/-	Sheoramnathpura

4.5 On a careful perusal of the three sale deeds produced by the landowners, it is evident that the price of agricultural land was somewhere in the range of Rs.4,00,000/- per acre in the year 2006-2007. On a careful perusal of Ex.R-1 (bearing No.70) and Ex.R-2 (bearing No.308), the two sale deeds produced by the State, it is evident that in the year 2010 the price

of the land in the village was not more than Rs.4,00,000/-. The sale instance Ex.P-51 (bearing No.78) is with respect to a small parcel of land which is not usually purchased or sold for the agricultural purpose. Even the per acre price of the land as per Ex.P-51, is Rs.8,64,000/-. However, this sale exemplar is neither the comparable parcel of land nor it is pertaining to the contemporaneous period. This sale deed is approximately six years prior to the notification under Section 4 of the 1894 Act.

4.6 The RC has correctly held that the award (Ex.PX) with respect to acquired land in village Totaheri vide judgment dated 02.01.2017, is only a piece of evidence which is required to be evaluated by the Court in the context of the other evidence produced by the parties. The RC has correctly relied upon the observations made by the Supreme Court in **Manoj Kumar and others Vs. State of Haryana and others (2018) 13 SCC 96**. The RC was correct in observing that the sale instances Ex.R-1 and Ex.R-3 were required to be taken into consideration even if these were with respect to the price lower than the amount offered by the LAC, in view the judgment passed by the Supreme Court in **Lal Chand Vs. Union of India, (2009) 15 SCC 769**.

4.7 The State of Haryana has produced the layout plan Ex.R-5. As per the layout plan, the parcel of land sold through the sale deed Ex.R-1 dated 13.04.2010 is hardly 3 acres away from the acquired land. This parcel of land has been sold for Rs.3,30,000/-. The per acre price comes to Rs.7,13,514/- per acre. Even the sale deeds produced by the landowners do not prove that the market value offered by the LAC i.e. Rs.20,00,000/-, is inadequate

4.8 From the perusal of the notification under Section 4 of the 1894

Act, it is evident that the land comprised in rectangles No.6, 12, 17, 18 and 20 has been acquired, whereas, the sale deed Ex.R-2 is with respect to parcel of land located in rectangle No.13. Thus, sale instance Ex.R-2 is also with respect to parcel of land located near the acquired land. In terms of the units of the agricultural land, a rectangle is a compact parcel of 25 acres of land. During consolidation of holdings under the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1953, the land of the village is divided into parcels of land measuring 25 acre each. Each rectangle is assigned a number starting from the North-East corner of the village. The aforesaid strip having a depth of 5 acres of land travels towards the South-Eastern corner of the village and the numbers are assigned in continuity. Once the strip reaches the South-East corner then it travels in a spiral shape by shifting to the next strip towards the West direction.

4.9 At this stage, glossary of certain revenue terms used while dictating the judgment is extracted as under:-

1.	1 Rectangle	=	5 X 5 = 25 Acre
2.	1 Acre	=	160 Marlas
3.	8 Kanal	=	1 Acre
4.	1 Kanal	=	20 Marlas
5.	1 Acre	=	4840 Sq. Yards
6.	1 Marla	=	272.251 Sq. Feet = 30.25 Sq. Yards
7.	1 Inch	=	2.54 cm
8.	1 Foot	=	12 Inch.
9.	1 Sq. Feet	=	12 X 12 =144 Inch.
10.	1 Yard	=	3 Feet
11.	1 Sq. Yard	=	9 Sq. Feet
12.	100 Sq. Yards	=	900 Sq. Feet
13.	1 Kanal	=	0.125 Acre
14.	1 Marla	=	0.00625001 Acre
15.	“//” denotes Rectangle Number.		

16.	“/” denotes Khasra/Killa Number.
17.	“A” denotes Acre
18.	“K” denotes Kanal
19.	“M” denotes Marla

5. **Decision:**
- 5.1 Keeping in view the aforesaid discussion, this Court does not find any reason to interfere with the award of the RC. Hence, all the appeals are dismissed.
- 5.2 All the pending miscellaneous applications, if any, are also disposed of.

15th December, 2022

(ANIL KSHETARPAL)
JUDGE

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Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No

Sr. No.	Case No.	Parties Details
1	RFA-384-2020	KHETA RAM AND ORS V/S STATE OFHARYANA AND ORS
2	RFA-413-2020	ROHTASH V/S STATE OF HARYANA AND ORS
3	RFA-451-2020	DHARAMPAL AND ORS V/S STATE OF HARYANA AND ORS
4	RFA-452-2020	HARI SINGH AND ANR V/S STATE OF HARYANA AND ORS
5	RFA-453-2020	DALIP SINGH V/S STATE OF HARYANA AND ORS
6	RFA-2400-2021	MANGTU RAM AND ORS V/S STATE OF HARYANA AND ORS

(ANIL KSHETARPAL)

JUDGE