

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1. RFA-662-2019(O&M)
Reserved on: 22.04.2022
Date of decision: 04.07.2022

STATE OF HARYANA AND ANR. ..Appellants
Versus

GUPREET SINGH ..Respondent

2. RFA-663-2019(O&M)

STATE OF HARYANA AND ORS. ..Appellants
Versus

PARMOD KUMAR AND ORS. ..Respondents

3. RFA-664-2019(O&M)

STATE OF HARYANA AND ORS. ..Appellants
Versus

JAGTAR SINGH ..Respondent

4. RFA-690-2019(O&M)

STATE OF HARYANA AND ORS. ..Appellants
Versus

CHETIN KAUR AND ORS. ..Respondents

5. RFA-691-2019(O&M)

STATE OF HARYANA AND ORS. ..Appellants
Versus

BANWARI LAL AND ORS. ..Respondents

6. RFA-692-2019(O&M)

STATE OF HARYANA AND ANR. ..Appellants
Versus

DALIP KAUR AND ORS. ..Respondents

7. RFA-2013-2019(O&M)
DAYA WANTI AND ORS. ..Appellants

Versus

STATE OF HARYANA AND ORS. ..Respondents

8. RFA-1150-2019(O&M)
JAGTAR SINGH AND ORS. ..Appellants

Versus

STATE OF HARYANA AND ORS. ..Respondents

9. RFA-1292-2019(O&M)
PARMOD KUMAR ..Appellant

Versus

STATE OF HARYANA AND ORS. ..Respondents

10. RFA-8428-2018(O&M)
DALIP KAUR (DECEASED) THROUGH LRS AND ORS. ..Appellants

Versus

STATE OF HARYANA AND ANR ..Respondents

CORAM: HON'BLE MR. JUSTICE ANILKSHETARPAL

Present: Mr. Abhinash Jain, DAG, Haryana
Mr. Shivendra Swaroop, AAG, Haryana, and
Ms. Vibha Tewari, AAG, Haryana.

Mr. Vivek Suri, Advocate
Mr. Ramesh Sharma, Advocate
for the landowners.

Ms. Harmanpreet Kaur, Advocate
for Mr. Raj Kumar Arora, Advocate
for the landowners (in RFA-662-2019).

ANIL KSHETARPAL, J.

1. BACKGROUND AND INTRODUCTION

1.1 This judgment shall disposed of as many as 10 appeals (details
whereof are at the foot of the judgment) filed by the State of Haryana as well

as the landowners assailing the correctness of the assessment of the market value of the acquired land assessed by the Reference Court (hereinafter referred to as 'the RC'). The prayer is to modify the award. The RC by a common judgment has decided six reference applications under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the 1894 Act'). In fact, the evidence has been led by all the parties in the case bearing No.**RFA-4773-2008, titled as “Chetin Kaur Vs. State of Haryana”**. The notification under Section 4, 6 of the 1894 Act, the award and the order passed by the 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 necessary for decision of the case are as under:-

16.05.2002	Notification under Section 4 of the 1894 Act intending to acquire 220 kanals and 18 marlas of land in village Shergarh, Mandi Dabwali, District Sirsa was issued.
16.10.2002	Notification under Section 6 of the 1894 Act was issued.
02.06.2003	The award No.1 was announced by LAC for the acquired land while offering to pay Rs.3,00,000/- per acre for <i>Nehri</i> and <i>Barani</i> type of land located within the municipal limits, whereas, outside the municipal limits, the market value for <i>Nehri</i> type of land was assessed at the rate of Rs.1,45,000/- per acre. For the remaining <i>barani</i> type of land outside the municipal limits, the market value was assessed at the rate of Rs.75,000/-.
14.06.2008	For the land abutting National Highway upto the depth of 150 feet, the RC assessed the market value at the rate of Rs.1619/- per square yard, whereas, for the land beyond 150 feet depth from the National Highway, the market value was assessed at the rate of Rs.681/- per square yard.
21.04.2016	In the batch of appeals with lead case in RFA-

	4773-2008, titled as “Chetin Kaur Vs. State of Haryana”, the RC has assessed Rs.1758/- per square yard uniformly for the entire land acquired. The Court has also directed that 25% of the market value shall be awarded towards severance of land on account of lack of passage for the unacquired land.
26.10.2017	The Special Leave Petition No.2499-2510 of 2016 was allowed by the Supreme Court, while remitting the matter back to the High Court with a direction to take into consideration the relevant sale deeds rather than relying upon the previous award passed by the Court with respect to the acquisition of land by a separate notification for a sports complex.
04.04.2018	The High Court further remitted the matter back to the RC to decide the matter afresh while granting opportunity to both the parties to lead evidence.

1.3 The RC has now assessed the market value of the acquired land at the rate of Rs.1240/- per square yard while relying upon the sale deed Ex.P-50, with respect to the plot measuring 1/2 marla (equivalent to 15 square yards). The Court has discounted the price by 75% in order to equate the prices of commercial and agricultural land.

1.4 The landowners claim that some part of the acquired land is located within the municipal limits and the compensation offered by the LAC is grossly inadequate. It has been asserted that the land within the municipal limits would have fetched Rs.10,00,000/- per acre as the same had potential for carving out a colony in view of the developing township of Mandi Dabwali. The landowners also claim that on account of compulsory acquisition of land, they had to vacate their residential houses as well the land upon which they were growing vegetables. It has further been contended that the municipal limits of Municipal Committee, Mandi Dabwali, are being extended from time to time and the entire land has the

potential to come within the municipal limits in the near future. The acquired land is quite close to Chetak Road. The State of Haryana contested the petitions while claiming that the amount assessed by the LAC is reasonable, proper and adequate.

1.5 All the six reference petitions were consolidated in the case titled as “Chetin Caur and another Vs. State of Haryana etc.”. The RC on appreciation of pleadings, culled out the following issues:-

“i) What was prevailing market price of acquire land as on the date of notification under Section 4 of the Land Acquisition Act? OPP

ii) Whether petitioners are entitled to enhancement of compensation, as prayed for? OPP

iii) Whether the petition is bad for want of non-joinder of Balbir Singh as party? OPR

iv) Relief.

6. An additional issue was then framed on 01.06.2007, which reads as follows:-

iii-a) whether LA Reference made in LA Case No.939 dated 3.6.2004, titled as 'Banwari Lal Vs. State, etc.', is barred by limitation? OPR”

2. EVIDENCE PRODUCED BY THE PARTIES

2.1 In order to prove their case, the landowners examined the following witnesses in oral evidence:-

PW1	Sh. Hari Prakash Sharma, Draftsman
PW2	Sh. K.S. Passi, Advocate, Dabwali
PW3	Sh. Darshan Singh son of Sh. Mahender Singh
PW4	Sh. Gian Chand son of Sh. Prakash Chand, Stamp Vendor
PW5	Sh. Jagtar Singh, one of the landowners
PW6	Sh. Banwari son of Sh. Puran
PW7	Sh. Parmod Kumar son of Sh. Ram Lal
PW8	Sh. Hari Prakash Verma

<i>PW9</i>	<i>Sh. Baljinder Singh son of Sh. Sehjinder Singh</i>
<i>PW10</i>	<i>Sh. Gurnam Prashad, Registry Clerk</i>

2.2 After the remand of the case from the High Court, Sh. Baljinder Singh son of Sh. Sehjinder Singh, once again, appeared as PW-9.

2.3 In documentary evidence, the landowners relied upon the following documents:-

<i>Ex.P1</i>	<i>Site plan dated 15.03.2007</i>
<i>Ex.P2</i>	<i>Agreement dated 15.03.2007</i>
<i>Ex.PW2/A and Ex.PW2/B</i>	<i>Endorsement dated 15.03.2007</i>
<i>Ex.P3</i>	<i>Writing dated 01.06.2007</i>
<i>Ex.P4</i>	<i>Copy of letter of renewal of Architect licence for the year 2007 bearing No.2314 dated 29.12.2006</i>
<i>Ex.P5 & Ex.P6</i>	<i>Receipt of M.C. Dabwali</i>
<i>Ex.P7</i>	<i>National Trade Certificate</i>
<i>Ex.P8</i>	<i>Site plan</i>
<i>Ex.P9</i>	<i>Sale deed No.1761 dated 12.01.1994</i>
<i>Ex.P10</i>	<i>Sale deed No.2061 dated 29.11.2000</i>
<i>Ex.P11</i>	<i>Sale deed No.2803 dated 01.02.2002</i>
<i>Ex.P12</i>	<i>Sale deed No.127 dated 20.04.2001</i>
<i>Ex.P13</i>	<i>Sale deed No.1037 dated 23.06.1998</i>
<i>Ex.P14</i>	<i>Sale deed No.2681 dated 05.02.2001</i>
<i>Ex.P15</i>	<i>Sale deed No.2712 dated 24.01.2002</i>
<i>Ex.P16</i>	<i>Sale deed No.2843 dated 08.02.2002</i>
<i>Ex.P17</i>	<i>Sale deed No.1588 dated 16.06.2004</i>
<i>Ex.P18</i>	<i>Sale deed No.3743 dated 28.10.2005</i>
<i>Ex.P19</i>	<i>Sale deed No.4689 dated 28.12.2005</i>
<i>Ex.P20</i>	<i>Sale deed No.5334 dated 05.02.2001</i>
<i>Ex.P21</i>	<i>Sale deed No.5476 dated 31.01.2006</i>
<i>Ex.P22</i>	<i>Letter for fixation of floor price of acquisition of land.</i>
<i>Ex.P23</i>	<i>Sale deed No.3259 dated 21.09.2005</i>
<i>Ex.P24</i>	<i>Notification 13.04.1987</i>
<i>Ex.P25</i>	<i>Notification 13.04.1987</i>

Ex.P26	Mutation No.325 for the years 1998-99
Ex.P27	Mutation No.325 for the years 1998-99
Ex.P28	Site Plan
Ex.P29	Certified copy of Award No.3 of 16.12.2005
Ex.P30	Jamabandi for the years 1993-94
Ex.P31	Jamabandi for the years 1998-99
Ex.P32	Khasra girdawari for village Shergarh
Ex.P33	Khasra girdawari for village Shergarh
Ex.P34	Certified copy of decree sheet in case titled Nirmal Vs. Parmod Kumar decided on 03.06.1996
Ex.P35	Certified copy of collector rate
Ex.P36	Certified copy of sale deed No.3259 date 21.09.2005
Ex.P37	Akash Sizra of village Shergarh
Ex.P38	Site plan
Ex.P39	Certified copy of Mukhtiara-am No.163 dated 21.03.2006
Ex.P40	Collector rate for the year 2001-2002
Ex.P41	Collector rate for the year 2002-2003
Ex.P42	Collector rate for the year 2003-2004
Ex.P43	Collector rate for the year 2004-2005
Ex.P44	Collector rate for the year 2005-2006
Ex.P45	Certified copy of sale deed No.3749 dated 04.10.2007
Ex.P46	Certified copy of award dated 23.10.2007 passed by Sh. S.P. Singh, the then ADJ, Sirsa.

2.4 After the remand of the case, the landowners produced the following documents:-

Ex.P49	Site plans
Ex.PW49/E	Photostat copy of site plan
Ex.P50	Certified copy of sale deed No.2593 dated 10.01.2002
Ex.P51	Certified copy of sale deed No.2934 dated 18.02.2000
Ex.P52	Certified copy of sale deed No.1144 dated 10.07.2000

Ex.P53	Certified copy of site plan
Ex.P54	Certified copy of fixation/re-fixation of limit of Patwar circle.
Ex.P55	Photostat copy of order of Hon'ble Supreme Court for condonation of delay
Ex.P56	Certified copy collector rate
Ex.P57	Attested copy of site plan
Ex.P58	Certified copy of order dated 12.04.2016 passed by Hon'ble High Court
Ex.P59	Attested copy of order passed by Hon'ble Supreme Court.

2.5 On the other hand, the State of Haryana examined RW-1 Sh. Gurudev Singh, Deputy Education Officer, Sirsa.

2.6 In documentary evidence, the State of Haryana also relied upon the following documents:-

<i>Ex.R1</i>	<i>Gazette Notification</i>
<i>Ex.R2</i>	<i>Statement of land acquisition collector</i>
<i>Ex.R3</i>	<i>Certified copy of award No.1</i>
<i>Ex.R4</i>	<i>Certified copy of statement No.19</i>
<i>Ex.R5</i>	<i>Certified copy of mutation No.3226 of village Shergarh</i>
<i>Ex.R6</i>	<i>Certified copy of site plan</i>
<i>Ex.R7</i>	<i>Certified copy of collector rate for the years 2003-2004</i>
<i>Ex.R8</i>	<i>Certified copy of Gazette Notification dated 20.01.2004</i>
<i>Ex.R9 & Ex.R10</i>	<i>Certified copy of average chart</i>
<i>Ex.R11</i>	<i>Certified copy of mutation No.3168 of village Shergarh</i>
<i>Ex.R12</i>	<i>Certified copy of mutation No.3210 of village Shergarh</i>
<i>Ex.R13</i>	<i>Certified copy of sale deed No.614 dated 21.05.2002</i>
<i>Ex.R14</i>	<i>Certified copy of sale deed No.3116 dated 11.03.2002</i>

2.7 After the remand of the case from the High Court, PW-1 Sh. Yaga Dutt Verma, District Education Officer, Sirsa, was examined in oral evidence.

2.8 The following documents were produced in the documentary evidence:-

<i>Ex.RW1/B</i>	<i>Photostat copy of sale deed No.3461 dated 13.08.2012</i>
<i>Ex.RW1/C</i>	<i>Photostat copy of sale deed No.7870 dated 11.03.2013</i>
<i>Ex.RW1/D</i>	<i>Photostat copy of sale deed No.365 dated 22.04.2013</i>
<i>Ex.RW1/E</i>	<i>Photostat copy of sale deed No.1970-75 dated 12.02.2015</i>
<i>Ex.RW1/F</i>	<i>Photostat copy of sale deed No.1854 dated 25.06.2015</i>

2.9 At this stage, it would be appropriate to compile a tabulated information of the various sale exemplars produced by the respective parties.

3.

TABULATED INFORMATION OF THE VARIOUS SALE EXEMPLARS

Sr. No.	Exhibit Nos.	Sale Deed No.	Date	Total Area	Land Calculated in Marlas	Price	Price Per Acre	Village
1.	P-9	1761	12.01.1994	10M	-	1,65,000	26,40,000	Dabwali
2.	P-10	2061	29.11.2000	8 ½ M	-	1,71,000	32,18,823	Dabwali
3.	P-11	2803	01.02.2002	6 ½ M	-	1,57,600	38,79,384	Dabwali
4.	P-12	127	20.04.2001	12K	240	1,65,000	1,10,000	Dabwali
5.	P-13	1037	23.06.1998	8M	-	20,000	4,00,000	Shergarh
6.	P-14	2681	05.02.2001	4M	-	42,000	16,80,000	Dabwali
7.	P-15	2712	24.01.2002	16M	-	1,92,000	19,20,000	Dabwali
8.	P-16	2843	08.02.2002	300 Sq. Yards	-	60,000	9,68,000	Dabwali
9.	P-17	1588	16.06.2004	9M	-	81,000	14,40,000	Shergarh

Sr. No.	Exhibit Nos.	Sale Deed No.	Date	Total Area	Land Calculated in Marlas	Price	Price Per Acre	Village
10.	P-18	3743	28.10.2005	2M	-	1,64,000	1,31,20,000	Dabwali
11.	P-19	4689	28.12.2005	3M	-	95,000	50,66,666	Dabwali
12.	P-20	5334	24.01.2006	1K- 10M	30	90,000	4,80,000	Shergarh
13.	P-21	5476	31.01.2006	9M	-	1,36,000	24,17,777	Shergarh
14.	P-23 P-36	3259	21.09.2005	13 ^{9/10} M	13.9	1,68,000	19,33,812	Shergarh
15.	P-45	3749	04.10.2007	24K- 4M	484	6,57,99,0 96	2,17,51,767	Dabwali
16.	P-50	2593	10.01.2002	13 Sq. Yards	-	75,000	2,79,23,076	Dabwali
17.	P-51	2934	18.02.2002	½ M	-	65,000	2,08,00,000	Dabwali
18.	P-52	1144	10.07.2000	¼ M	-	26,500	1,69,60,000	Dabwali
19.	R-13	614	21.05.2002	15K- 12M	312	1,37,000	70,256	Shergarh
20.	R-14	3116	11.03.2002	27K	540	2,37,000	70,222	Shergarh
21.	RW1/B	3461	13.08.2012	13 ½ M	-	2,45,000	29,03,703	Shergarh
22.	RW1/C	7870	11.03.2013	9M	-	1,70,000	30,22,222	Shergarh
23.	RW1/D	365	22.04.2013	13M	-	2,75,000	33,84,615	Shergarh
24.	RW1/E	7073	12.02.2015	3 ½ M	-	85,000	10,07,407	Shergarh
25.	RW1/F	1854	25.06.2015	4 ½ M	-	1,40,000	49,77,777	Shergarh

4 The RC, after noticing that the acquired land abuts National Highway No.64 and is a part of Ward No.5 of the municipal area, Dabwali, assessed the market value. It was held that the Haryana Cotton Factory, Seth Roshal Lal Memorial Eye Hospital, Sethi Filling Station, Monga Filling Station, Khadi Cotton Factory, DAV School, Sirsa School, Haryana Public School, Issar Public School, Punjab Seeds are located near the acquired land and City Hospital, Tehsil Complex, Khuda Complex, Tehsil Office, Judicial Court Complex, HAFED Godowns, FCI Godowns are not far away from the acquired land. The RC, after examining the documentary evidence, found

that the sale deed Ex.P-50 is executed around the same time when the notification under Section 4 of the 1894 Act was issued and it is about 1 and a ½ kilometre from the acquired land. Thus, the Court, after applying discount of 75%, arrived at a figure of Rs.1240/- per square yard.

5. Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

6. On the one hand, the learned counsel representing the State of Haryana contends that the RC has committed an error in relying upon the sale deed of 15 square yards of area which can only be used for commercial purpose. While drawing the attention of the Court to the statement of the landowners, he contends that at the time of acquisition the acquired land was admittedly being used for agricultural purposes. While reading in extenso, the deposition of Sh. Yaga Dutt Verma, District Education Officer, Sirsa, he contends that sale exemplar Ex.R-14 is with respect to 27 kanals of agricultural land which is located just across the road. The aforesaid land has been sold at the rate of Rs.70,282/- vide sale deed No.3116, dated 11.03.2002. He submits that the RC has not even discussed the aforesaid sale deed before assessing the market value of the acquired land.

7. Per contra, the learned counsels representing the landowners have contended that the discount/cut off of 75% is excessive particularly when the acquired land is located in the municipal area. They contend that at the most, a cut off of 1/3rd could be applied to assess the market value of the acquired land.

8. From a perusal of the tabulated information compiled in para 3 of the judgment, it is evident that the sale exemplars produced by the landowners are by and large with respect to very small parcels of land which

are ordinarily not sold or used for agricultural purposes. There is only one sale deed dated 20.04.2001, with respect to 1 ½ acre of land (12 kanals) Ex/P-12, which has been sold at the rate of 1,10,000/- per acre. It is also evidence that reliance placed by the RC on sale deed Ex.P-50 is inappropriate. On a careful reading of the sale deed Ex.P-50 (10.01.2002), it is evident that the plot with the dimension of 8 feet X 15 feet, located in a developed area in New Dabwali, has been sold for Rs.75,000/-. In the sale deed, it has been mentioned that it is with respect to a plot of land which is within the developed town. Hence, the aforesaid sale exemplar is not with respect to a comparable parcel of land. Ex.P-12 is the sale deed produced by the landowners with respect to 12 kanals of agricultural land located in village Dabwali. The aforesaid parcel of land has been sold for Rs.1,65,000/-. The per acre rate comes to Rs.1,10,000/- per acre. This sale deed is 13 months' before the date of notification under Section 4 of the 1894 Act. The sale deeds Ex.P-17, Ex.P-18, Ex.P-19, Ex.P-20, Ex.P-21, Ex.P-23 are not only with respect to small parcels of the land but also post the date of notification under Section 4 of the 1894 Act. The crucial date for assessment of the market value of the acquired land in the present case is 16.05.2002. As per Section 23 of the 1894 Act, the market value is required to be assessed as on the date of issuance of notification under Section 4 of the 1894 Act i.e. 16.05.2002. Normally, the sale deeds with respect to the period post the date of notification are not considered appropriate to be relied upon for assessing the market value of the acquired land. It has been noticed that the State of Haryana has produced gift deed Ex.R-11, sale deed Ex.R-14, Ex.RW1/B, Ex.RW1/C, Ex.RW1/D, Ex.RW1/E, Ex.RW1/E.

landowners while appearing in evidence have admitted that the acquired land was being used as an agricultural land for cultivation of vegetables at the time of issuance of notification under Section 4 of the 1894 Act. The sale deed Ex.R-14 dated 11.03.2002, is with respect to 27 kanals of land. On a careful reading of deposition of Mr. Yaga Dutt Verma, District Education Officer, Sirsa, who appeared as RW-1, it is evident that the sale deed No.3116 dated 11.03.2002, is with respect to 27 kanals of land located across Dabwali-Chotala Road i.e. on opposite side of the road. In other words, between the acquired land and the parcel of land represented by sale deed Ex.R-14, there is a road going from Dabwali to Chautala village. It is stated to be a National Highway. From a bare perusal of the various layout plans produced in evidence, it is evident that near the Dabwali Town, there are two National Highways. One is National Highway No.9, which is going from Sirsa to Malot. This is the main highway. There is another road i.e. National Highway No.54, which is going from Bathinda to village Chautala. On a careful perusal of the layout plan Ex.P-47, it is evident that the Dabwali city is located in and around the four lane intersection between National Highway No.9 and National Highway No.54. From the four lane intersection, once we travel towards the village Chautala, the acquired land is located where the city comes to an end. There are some fuel stations and rice mills in the area. There is a DAV School near the acquired land.

10. Despite lengthy cross-examination of Sh. Yaga Dutt Verma, it is evident that the learned counsel representing the landowners failed to impeach his credibility. In fact, on a careful reading of the cross-examination, it is evident that the learned counsel did not challenge the correctness of the deposition of Sh. Yaga Dutt Verma with respect to the

location of parcel of land measuring 27 kanals represented by sale deed Ex.R-14 which is located across the road from the acquired land.

11. Now, the question is as to whether the RC has erred in placing reliance upon Ex.P-50, which is with respect to the plot measuring 8 feet X 15 feet. The total area of the plot is 15 square yards, whereas, normally a total area of an acre of land is 4840 square yards. Each acre consists of 8 kanals. Hence, each kanal has 605 square yards. 20 marlas of land consist of 1 kanal of land. In other words, each marla is 30.25 square yards.

12. Thus, the plot measuring 15 square yards is nowhere comparable to the acquired land. Before assessing the market value of the acquired land, the Court is required to look for a sale deed of a comparable parcel of land of contemporaneous period. The sale exemplar Ex.P-50 is not at all comparable, whereas, the sale exemplar Ex.R-14, dated 11.03.2002, is with respect to nearly 3 and ½ acres of land (27 kanals) which appears to be comparable. As per the unrebutted evidence of Sh. Yaga Dutt Verma-RW-1, the aforesaid parcel of land is located across the road from the acquired land. There is no material to prove that there was huge variation/difference in the price between the land located on the both side of the road. Hence, the same is a comparable sale instance of contemporaneous period executed just two months before the date of notification under Section 4 of the 1894 Act. No evidence has been led to prove that the sale exemplar Ex.R-14 is not a genuine sale transaction. Neither any suggestion has been given to Sh. Yaga Dutt Verma in this regard nor any evidence has been led to prove this fact.

13. In RFA-8428-2018, the learned counsel claims that the appellants have been left with 4 kanals and 16 marlas of un-acquired land which does not have passage. It may be noted here that this issue was neither

framed nor was ever pressed before the RC. In the absence of evidence to prove that the landowners have suffered damages on account of severance of the land, the Court is not bound to award any amount. On a careful perusal of the various layout plans produced, it is evident that the acquired land is located near to the main road and due to construction of the School, the prices of land situated in and around the area are likely to increase. Hence, in absence of evidence, it would not be appropriate to assume damages on account of severance.

14. The learned counsel representing the landowners in the alternative rely upon the judgment passed in **Regular First Appeal No.2580 of 2008, titled as “Shera Ram Vs. State of Haryana and others”, decided on 12.04.2016**, Ex.P-58, wherein while assessing the market value of the acquired land as on 23.07.1997, for construction of a sports complex in the area of Dabwali, the court assessed market value at the rate of Rs.893/- per square yard. This award was relied upon by the High Court in the previous round which has been set aside by the Supreme Court subsequently. On a careful perusal of the layout plan Ex.P-47, it is evident that the aforesaid land for the sports complex is located on National Highway No.9, whereas, the acquired land in the present case is located on Bathinda-Chautala Road. The land acquired for construction of sports stadium is a part of the city, whereas, the acquired land in the present case is on the outskirts of the city. In fact, Dabwali is a small township located on the border of the State of Haryana and Punjab. No doubt, there is a Municipal Committee, however, it is not a District Headquarter. Mandi Dabwali is still a Tehsil in District Sirsa.

15. Keeping in view the aforesaid facts, this Bench considers that the amount assessed by the LAC is adequate. In the absence of evidence to

prove that the LAC has not properly assessed the market value, the Court is not required to interfere.

16. Consequently, the appeals filed by the State of Haryana are allowed, whereas, that of the landowners are dismissed. Further, all the reference applications filed by the landowners shall stand dismissed.

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

04th July, 2022

Ay

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*