

**RFA-785-2020(O&M)
and connected cases**

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

RFA-785-2020(O&M)

Date of decision:22.08.2022

Reserved on: 13.07.2022

Hari Ram and others

....Appellants

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Shailendra Jain, Sr. Advocate with
Mr. Satyendra Chauhan, Advocate

Mr. Harish Bhardwaj, Advocate
for the landowners

Mr. Shivendra Swaroop, AAG, Haryana

ANIL KSHETARPAL, J

1.Background and Introduction:-

1.1 Through this batch of appeals (details whereof are at the foot of the judgment), the landowners pray for modification of the award dated 14.11.2009 passed by the Reference Court (hereinafter referred to as the 'RC') while deciding the various reference petitions filed under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as the '1894 Act'). The notifications under Section 4, 6 of the 1894 Act and the awards passed by the Land Acquisition Collector (hereinafter referred to as 'LAC') and the RC are common. Learned counsel

representing the parties admit that all the appeals of this batch can conveniently be disposed of by a common judgment.

1.2 The necessary particulars of the case are as under:-

30.06.2010	Notification under Section 4 of 1894 Act proposing to acquire land for development of Sector 13 (Residential), Gohana, District Sonipat from the land located in Villages Garhi Ujale Khan, Garhi Sarai Namdarkha, Nagar and Barotha
29.06.2011	Declaration under Section 6 of the 1894 Act was published.
24.06.2013	The LAC announced the award no.4 assessing the market value of the acquired land at the rate of Rs.40,00,000/- per acre.
The total acquired land is 347 kanals 87 acres of Villages Garhi Ujjale Khan (1.86 acres) Garhi Sarai Namdarkha (253.36 acres) Nagar (63.06 acres) Barotha 32.59 (acres)	
14.11.2019	The RC dismissed the various applications filed under Section 18 of the 1894 Act.

1.3 Dissatisfied with the amount offered in the award passed by the LAC, the appellants filed the applications under Section 18 of the 1894 Act for referring the matter to the court. They claim that the acquired land is a prime land situated between Delhi-Sonipat-Gohana Road and Rohtak-Gohana-Panipat Road, both are the National Highways which are also adjacent to Bhagat Phool Singh Mahilla University, Khanpur apart from being surrounded by the various industrial and commercial projects. It is also located near PWD Rest House and vegetable market, Gohana. Thus, the landowners claim that the market value of the acquired land at the time of issuance of notice under Section 4 of the 1894 Act, was not less than Rs.4 crores per acre.

1.4 On the other hand, the State of Haryana, claims that the LAC after taking into consideration all the factors including the potentiality of land which are necessary for the determination of the

market value, announced the said award. The landowners will also be paid annuity at the rate of Rs.21,000/- per acre for a period of 30 years over and above the usual land compensation, which would increase by an average sum of Rs.750/- every year.

2. Oral Evidence and Documentary Evidence:-

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

PW1	Ranbir
PW2	Sumer Singh
PW3	Prem Singh
PW4	Inder Singh
PW5	Sumer Singh
PW6	Mahender
PW7	Rajesh Kumar, Patwari
PW8	Karambir
PW9	Yogesh Kumar
PW10	Ved Pal, the person who prepared the layout plan
PW11	Sanjiv Kumar, Draftsman

2.2 The landowners, in support of their case, also produced the following documents:-

Exhibit PW7/A	Mutation No.3694
Exhibit PW7/B	Mutation No.3854
Exhibit PW8/A	Photocopy of agreement of sale dated 31.12.2012
Exhibit PW8/B	Copy of receipt dated 31.12.2012
Exhibit PW8/A	Sealed site plan
Exhibit PW9/A	Revenue Map of M.C.Gohana
Exhibit PW10/A	Site plan of the land acquired
Exhibit PW11/A	Revised Draft development plan 2021

2.3 On the other hand, the Haryana Urban Development Authority (the beneficiary of the acquisition) examined Anoop, Patwari

as RW-1, in the oral evidence and produced the sale deeds, a compilation of which is extracted in para 5.1 of the judgment.

3. Reasons and analysis given by the Reference Court (RC)

3.1 The RC after appreciating the evidence while upholding the market value assessed by the LAC, dismissed the reference petitions.

3.2 During the pendency of the appeal, an application filed by the landowners for additional evidence was allowed while permitting them to produce the copies of various sale deeds, agreement to sell, the jamabandi and a fresh layout plan. On the other hand, State of Haryana has produced a layout plan while identifying the various parcels of lands represented by the sale exemplars produced by the respective parties.

4. Arguments made by the learned counsel representing the parties:-

4.1 Heard learned counsel representing the parties at length and with their able assistance perused the paper book. Learned counsel representing the appellants submitted that in view of the sale exemplars produced in the additional evidence, the market value of acquired land is required to be enhanced. He submits that Ex.A-11 is with respect to the parcel of the land located in Village Garhi Sarai Namdarkha. He submits that the various sale deeds produced in the additional evidence prove that the market value of the acquired land was in the range of Rs.1400 to Rs.2000/- per square yards. Hence, he contends that the market value of the acquired land is required to be modified.

4.2 Per contra, the learned counsel representing the State of Haryana while drawing the attention of the Court to the fresh layout plan produced, submits that the sale exemplars produced by the landowners in

additional evidence are with respect to the very small parcels of the land which can only be used for the residential and commercial purpose whereas sale exemplar Ex.R2, Ex.R7 and Ex.R11 are with respect to the acquired land. He submits that the sale exemplar Ex.R2 proves that the market value of the acquired land was not more than Rs.20,00,000/-per acre whereas Ex.R10 and R11 prove that the acquired land was around Rs.15,00,000/- per acre.

5. Discussion by this Court:-

5.1 At this stage, it will be appropriate to compile the information of the sale deeds produced by the landowners and the State, in evidence, in order to have a bird’s eye view.

Sr. No.	Exhibit No.	Sale Deed no.	Date	Total Area	Total price	Price per acre	Village
1.	P-1	4365	26.08.2013	2K-11M	38,55,000	1,20,94,117	Garhi Sarai Namdas Khan
2.	P-2	2430	08.07.2014	2K-11M	46,26,000	1,45,12,941	-do-
3.	A-1	3160	27.09.2005	185 sq. yards	3,70,000	96,80,000	Garhi Sarai Namdarkha
4.	A-2	935	05.06.2008	200 sq.yards	2,80,000	67,76,000	Garhi Sarai Namdarkha
5.	A-3	1496	10.07.2008	150 sq.yards	2,10,000	67,76,000	Garhi Sarai Namdarkha
6.	A-4	1497	10.07.2008	150 sq.yards	2,10,000	67,76,000	Garhi Sarai Namdarkha
7.	A-5	1621	21.07.2008	288 sq.yards	4,05,000	68,06,250	Garhi Sarai Namdarkha
8.	A-6	1654	22.07.2008	151 sq.yards	2,15,000	68,91,390	Garhi Sarai Namdarkha
9.	A-7	4231	18.12.2009	18 M	6,44,000	57,24,444	Barotha
10.	A-8	5697	05.03.2009	174 sq.yards	2,96,000	82,33,563	Garhi Sarai Namdarkha
11.	A-9	5696	05.03.2009	212 sq.yards	3,61,000	82,41,698	Garhi Sarai Namdarkha
12.	A-10	637	15.05.2009	200 sq.yards	3,40,000	82,28,000	Garhi Sarai Namdarkha
13.	A-11	961	29.05.2009	586 sq.yards	11,72,000	96,80,000	Garhi Sarai Namdarkha
14.	A-12	554	13.05.2009	126.66 sq.yards	2,54,000	97,05,984	Garhi Sarai Namdarkha
15.	A-13	4360	24.12.2009	60 sq.yards	1,50,000	1,21,00,000	Garhi Ujale Kha

16.	R-1	3822	26.11.2009	7K-12M	16,15,000	17,00,000	Barotha
17.	R-2	1060	21.06.2010	3K-12M	9,00,000	20,00,000	Barotha
18.	R-3	3335	27.10.2009	4K-17M	10,32,000	17,02,268	Barotha
19.	R-4	3123	24.11.2010	4K	10,00,000	20,00,000	Barotha
20.	R-5	5139	06.02.2009	2K	3,75,000	15,00,000	Barotha
21.	R-6	3806	06.01.2011	21K-5M	53,14,000	20,00,565	Barotha
22.	R-7	850	25.05.2009	2K	3,75,000	15,00,000	Garhi Sarai Namdar Khan
23.	R-8	3524	09.11.2009	7K-13M	16,26,000	17,00,392	Garhi Sarai Namdar Khan
24.	R-10	2258	02.09.2008	11K- 15M	22,06,000	15,01,957	Garhi Sarai Namdar Khan
25.	R-11	6148	31.03.2009	1K-12M	3,00,000	15,00,000	Garhi Sarai Namdar Khan
26.	R-12	3380	29.10.2009	1A-1K- 3M	19,45,000	17,00,546	Garhi Sarai Namdar Khan
27.	R-13	351	30.04.2009	3K-6M	6,20,000	15,03,030	Nagar
28.	R-14	100	11.04.2011	2K-13M	8,28,125	25,00,000	Nagar
29.	R-15	6023	18.11.2011	4K-9M	13,91,000	25,00,674	Garhi Ujale Khan

1 Rectangle	=	5 X 5 = 25 Acre (Rectangular shape)
1 Acre (4840 sq. yards) (Rectangular shape)	=	160 Marlas
8 Kanal	=	1 Acre
1 Kanal (605 sq.yards)	=	20 Marlas
1 Marla	=	30.25 Sq. Yards
1 Kanal	=	0.125 Acre
1 Marla	=	0.00625001 Acre
'//'	=	Rectangle
'/'	=	Killa/acre/khasra number

5.2 On a careful perusal of the sale deeds produced in the additional evidence, (A-1 to A-13 and A-16), it is evident that these parcels of land are with respect to very tiny plots which ordinarily are not meant to be used for the agricultural purposes. Though the sale deed Ex.A-11 is with respect to a plot measuring 586 sq. yards but it is not even one kanal land. Ordinarily in an acre of land, there are 4840 sq. yards. The total acquisition in the present case is with respect to 374.79

acres (18,13,983.65 sq. yards). Similarly, the sale instances produced by the landowners Ex.P1 and Ex.P2 are not only with respect to a small area but they also are post the date of notification under Section 4 of the 1894 Act which is the crucial date for assessment of the market value as per Section 23(i) (Firstly) of the 1894 Act. Hence, the market value of the acquired land is to be determined as on 30.06.2010.

5.3 On the other hand, the sale deeds relied upon by the State of Haryana proves that on 21.06.2010 (Ex.R-2), the land measuring 3 kanals 12 marlas located in village Barotha has been sold at the rate of Rs.20,00,000/- per acre. This sale instance is just 9 days before the date of notification under Section 4 of the 1894 Act. This parcel of land has been acquired or in other words this parcel of land is the subject matter of compulsorily acquired land. This land was near the Gohana-Sonipat Road, just behind the residential area of Village Nagar. The sale deeds Ex.R10 and R11 rather prove that the market value of the acquired land was around Rs.15,00,000/-. No doubt, these two parcels of land are away from the road, however, these parcels of land are also a part and parcel of the acquired land. It is evident on the careful perusal of the layout plan, Ex.HC-1 that a very small part of the acquired land abuts the Sonipat-Gohana Road whereas the remaining part of the acquired land is away from the road.

5.4 Learned counsel representing State of Haryana is correct in contending that the RC has erred in keeping the sale instances produced by the State of Haryana out of the zone of consideration while misinterpreting Section 25 of the 1894 Act on the ground that the price

reflected is lower than the amount assessed by the LAC. Section 25 of the 1894 Act only bars the court from awarding the amount lesser than the amount offered by the LAC, however, there is no prohibition from taking into consideration, the sale deeds produced in evidence reflecting the price 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 (2009) 15 SCC 769**.

5.5 It may be noted here that no doubt certain parcels of the acquired land abut Sonipat-Gohana Road, however, there is no evidence to prove that the market value of the land located on Sonipat-Gohana Road was higher as compared to the other part. In fact, no comparable sale instance of contemporaneous period has been produced by the landowners. The sale deeds produced by the landowners in the additional evidence are only with respect to a very small parcels of land, therefore, not comparable with the acquired land.

6. Decision:-

6.1 Consequently, finding no merit, the appeals are dismissed.

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

22.08.2022
rekha

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

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Sr. No.	Case No.	Party Name
1.	RFA-816-2020	SANT RAM AND OTHERS V/S STATE OF HARYANA AND OTHERS
2.	RFA-788-2020	SATBIR @ SATBIR SINGH V/S STATE OF HARYANA AND OTHERS
3.	RFA-817-2020	SANT RAM AND OTHERS V/S STATE OF HARYANA AND OTHERS
4.	RFA-822-2020	SURESH KUMAR V/S STATE OF HARYANA AND OTHERS
5.	RFA-785-2020	HARI RAM AND OTHERS V/S STATE OF HARYANA AND OTHERS
6.	RFA-814-2020	MAHABIR SINGH (SINCE DECEASED) THROUGH HIS LRS V/S STATE OF HARYANA AND OTHERS
7.	RFA-815-2020	CHET RAM AND OTHERS V/S STATE OF HARYANA AND OTHERS
8.	RFA-806-2020	SMT. BARHMO DEVI THR. HER GPA V/S STATE OF HARYANA AND OTHERS
9.	RFA-818-2020	SMT. SAVITRI DEVI V/S STATE OF HARYANA AND OTHERS
10.	RFA-829-2020	JAI NARAIN SINCE DECEASED THROUGH HIS LRS AND ORS V/S STATE OF HARYANA AND OTHERS
11.	RFA-820-2020	RAMPAT AND ORS V/S STATE OF HARYANA AND OTHERS
12.	RFA-792-2020	SUKHDEV @ SUKHDEV SINGH V/S STATE OF HARYANA AND OTHERS
13.	RFA-795-2020	HARI RAM AND ANR V/S STATE OF HARYANA AND OTHERS
14.	RFA-789-2020	SMT. DHANPATI AND ORS V/S STATE OF HARYANA AND ORS
15.	RFA-799-2020	DEVENDER KUMAR AND OTHERS V/S STATE OF HARYANA AND OTHERS
16.	RFA-813-2020	DEVENDER KUMAR AND ORS V/S STATE OF HARYANA AND ORS
17.	RFA-819-2020	OM PARKASH SINCE DECEASED THROUGH HIS LRS V/S STATE OF HARYANA AND OTHERS
18.	RFA-824-2020	VIRENDER @ VIRENDER KUMAR AND ORS V/S STATE OF HARYANA AND ORS
19.	RFA-794-2020	MAHENDER AND ANR V/S STATE OF HARYANA AND OTHERS
20.	RFA-798-2020	JAI NARAIN SINCE DECEASED THROUGH LRS AND ORS V/S STATE OF HARYANA AND OTHERS
21.	RFA-803-2020	ISHWAR SINGH AND ORS V/S STATE OF HARYANA AND OTHERS
22.	RFA-797-2020	CHET RAM AND ORS V/S STATE OF HARYANA AND OTHERS
23.	RFA-796-2020	HARI RAM AND ANR V/S STATE OF HARYANA AND OTHERS
24.	RFA-825-2020	HARI RAM AND OTHERS V/S STATE OF HARYANA AND OTHERS

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25.	RFA-800-2020	OM PARKASH SINCE DECEASED THROUGH HIS LRS AND OTHERS V/S STATE OF HARYANA AND OTHERS
26.	RFA-811-2020	ISHWAR SINGH AND OTHERS V/S STATE OF HARYANA AND OTHERS
27.	RFA-810-2020	CHET RAM AND ORS V/S STATE OF HARYANA AND OTHERS
28.	RFA-783-2020	MAHABIR SINGH (SINCE DECEASED) THROUGH HIS LRS AND OTHERS V/S STATE OF HARYANA AND OTHERS
29.	RFA-786-2020	RAJBIR AND ANOTHER V/S STATE OF HARYANA AND OTHERS
30.	RFA-793-2020	RAMPAT AND ORS V/S STATE OF HARYANA AND OTHERS
31.	RFA-801-2020	ISHWAR SINGH AND ORS V/S STATE OF HARYANA AND OTHERS
32.	RFA-809-2020	RANBIR SINGH V/S STATE OF HARYANA AND OTHERS
33.	RFA-823-2020	SUMER SINGH V/S STATE OF HARYANA AND OTHERS
34.	RFA-807-2020	SUMER SINGH AND ANOTHER V/S STATE OF HARYANA AND OTHERS
35.	RFA-826-2020	MAHABIR SINGH (SINCE DECEASED) THROUGH HIS LRS AND OTHERS V/S STATE OF HARYANA AND OTHERS
36.	RFA-791-2020	SMT. DHANPATI AND ORS V/S STATE OF HARYANA AND OTHERS
37.	RFA-804-2020	RAM KALASH V/S STATE OF HARYANA AND OTHERS
38.	RFA-805-2020	SURENDER AND ANOTHER V/S STATE OF HARYANA AND OTHERS
39.	RFA-812-2020	GOBIND @ GOVIND V/S STATE OF HARYANA AND ORS
40.	RFA-787-2020	DEVENDER KUMAR AND OTHERS V/S STATE OF HARYANA AND OTHERS
41.	RFA-808-2020	HARI RAM AND OTHERS V/S STATE OF HARYANA AND OTHERS
42.	RFA-2272-2021	JAI SINGH V/S STATE OF HARYANA AND OTHERS
43.	RFA-768-2022	DHARAMBIR AND ANR V/S STATE OF HARYANA AND OTHERS
44.	RFA-2271-2021	ISHWAR SINGH V/S STATE OF HARYANA AND OTHERS
45.	RFA-730-2022	RAJ KUMAR V/S STATE OF HARYANA AND OTHERS
46.	RFA-729-2022	BALBIR V/S STATE OF HARYANA AND OTHERS
47.	RFA-733-2022	RAJ KUMAR V/S STATE OF HARYANA AND OTHERS
48.	RFA-739-2022	SMT. CHANDRO V/S STATE OF HARYANA AND OTHERS
49.	RFA-740-2022	NAFE SINGH AND OTHERS V/S STATE OF HARYANA AND OTHERS
50.	RFA-207-2022	SAROJ BALA (DECEASED) THROUGH ITS LEGAL REPRESENTATIVES V/S STATE OF HARYANA AND OTHERS
51.	RFA-2270-2021	BALWAN SINGH V/S STATE OF HARYANA AND OTHERS
52.	RFA-769-2022	PREM SINGH AND ANOTHER V/S STATE OF HARYANA AND OTHERS
53.	RFA-736-2022	NAFE SINGH AND ORS V/S STATE OF HARYANA AND OTHERS

54.	RFA-731-2022	RAJBIR AND OTHERS V/S STATE OF HARYANA AND OTHERS
55.	RFA-728-2022	ASHOK KUMAR V/S STATE OF HARYANA AND OTHERS
56.	RFA-771-2022	NARESH AND ANOTHER V/S STATE OF HARYANA AND OTHERS
57.	RFA-772-2022	PREM SINGH AND ANOTHER V/S STATE OF HARYANA AND OTHERS
58.	RFA-2273-2021	SMT. KANTA V/S STATE OF HARYANA AND OTHERS
59.	RFA-732-2022	RAM PARSHAD @ PARSHADA V/S STATE OF HARYANA AND OTHERS
60.	RFA-734-2022	SITA RAM V/S STATE OF HARYANA AND OTHERS
61.	RFA-738-2022	RAI SINGH V/S STATE OF HARYANA AND OTHERS
62.	RFA-737-2022	VIJAY KUMAR @ VIJAY MOR AND ANR V/S STATE OF HARYANA AND OTHERS
63.	RFA-2269-2021	SMT. KAMLESH V/S STATE OF HARYANA AND OTHERS
64.	RFA-770-2022	INDER V/S STATE OF HARYANA AND OTHERS
65.	RFA-735-2022	SUMAN V/S STATE OF HARYANA AND OTHERS

22.08.2022
rekha

(ANIL KSHETARPAL)
JUDGE