

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

317

1. RFA-711-2005 (O&M)
Date of decision: 04.08.2022

BIRBAL AND ORS. ..Appellants

Versus

STATE OF HARYANA ..Respondent

2. RFA-712-2005 (O&M)

SURESH AND ANR. ..Appellants

Versus

STATE OF HARYANA ..Respondent

3. RFA-713-2005 (O&M)

SHAMSHER AND ORS. ..Appellants

Versus

STATE OF HARYANA ..Respondent

4. RFA-714-2005 (O&M)

LAL CHAND AND ORS. ..Appellants

Versus

STATE OF HARYANA ..Respondent

5. RFA-715-2005 (O&M)

MAHABIR SINGH AND ORS. ..Appellants

Versus

STATE OF HARYANA ..Respondent

6. RFA-716-2005 (O&M)

BHAGIRTHI AND ORS. ..Appellants

Versus

STATE OF HARYANA ..Respondent

7. RFA-717-2005 (O&M)

MAMAN AND ORS.

..Appellants

Versus

STATE OF HARYANA

..Respondent

8. RFA-718-2005 (O&M)

UMED SINGH AND ORS.

..Appellants

Versus

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikram Singh, Advocate
Mr. Abhinav Sood, Advocate
for the landowners.

Ms. Vibha Tewari, AAG, Haryana.

ANIL KSHETARPAL, J(Oral)

1. BACKGROUND AND INTRODUCTION:

1.1 This batch of as many as 8 appeals is arising from the common notifications under Section 4 and 6 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the 1894 Act'), as well as the awards passed by the Land Acquisition Collector (hereinafter referred to as 'the LAC') and the Reference Court (hereinafter referred to as 'the RC') is also same. The learned counsel representing the parties are *ad idem* that these appeals can conveniently be disposed of by a common judgment.

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

Date of notification under Section 4	21.02.2000
Date of notification under Section 6	05.09.2000
Thereafter in Corrigendum issued-	18.12.2000
Area	7.02 Acres

	(later award passed for 5.91 Acre)
Village	Wazipur, Gohana
District	Sonepat
Public Purpose	For Construction of Ahulana Minor
LAC Award	Award no.3 dated 21.11.2001 Area 5.91 Acres
Amount awarded by LAC	Rs.1.30 lac per acre
Main Reference Court Award	Dated 18.11.2004 main leading case as “Dhan Singh Vs. State of Haryana”
Amount awarded vide above awards	Dismissed the petition

1.3 The landowners claim that the market value of the acquired land was Rs.16,00,000/- per acre. They also pray for damages on account of severance due to construction of *Ahulana minor* (a drain). It is claimed that the acquired land is located close to the road leading to Gohana town and the market value in Gohana town is around Rs.500 to 600 per square yard.

1.4 The respondents state that the LAC has correctly assessed the market value.

1.5 The RC culled out the following issues:-

“1. What was the market value of the acquired land at the time of issuance of notice under Section 1 of the Land Acquisition Act, 1891? *OPP*.
2. Relief”

2. **ORAL AND DOCUMENTARY EVIDENCE:**

2.1 The landowners examined PW-1 Sh. Umedh Singh, PW-2 Smt. Surinder Kaur, PW-3, Sh. Karan Singh. PW-4 Sh. Daya Chand, PW-5 Sh.

Mohan Lal, Draftman, PW-6 Sh. Sube Singh and PW-7 Sh. Prem Dass.

2.2 On the other hand, the learned counsel representing the State of Haryana examined Sh. Dhoom Singh, SDO, Irrigation, as RW-1, whereas, Sh. Suresh Kumar, Patwari, examined as RW-2.

2.3 A tabulated information with respect to the various sale deeds produced by the landowners in support of their case is extracted as under:-

<i>Exhibit</i>	<i>Date of sale deed</i>	<i>Area of land</i>	<i>Consideration</i>	<i>Amount per acre</i>
<i>Ex.P1</i>	<i>29.10.1999</i>	<i>10-1/6 marla (10.16 marla)</i>	<i>Rs.61,500/-</i>	<i>Rs.9,68,503/-</i>
<i>Ex.P3</i>	<i>23.10.2000</i>	<i>10-18/30 marla (10.16 marla)</i>	<i>Rs.80,000/-</i>	<i>Rs.12,07,547/-</i>
<i>Ex.P4</i>	<i>26.06.1997</i>	<i>8-1/4 marla (8.25 marla)</i>	<i>Rs.50,000/-</i>	<i>Rs.9,69,697/-</i>
<i>Ex.P5</i>	<i>08.01.1999</i>	<i>260 sq. yard</i>	<i>Rs.52,000/-</i>	<i>Rs.9,68,000/-</i>
<i>Ex.P6</i>	<i>03.06.1996</i>	<i>425 sq. yard</i>	<i>Rs.1,19,000/-</i>	<i>Rs.13,55,200/-</i>

3. REASONS GIVEN BY THE REFERENCE COURT:

3.1 The RC dismissed the various reference petitions after finding that the landowners have failed to prove that the LAC failed to assess fair market value of the acquired land.

3.2 The RC has held that the sale instances produced by the landowners are not with respect to the comparable parcels of land of contemporaneous period.

4. ANALYSIS AND DISCUSSION BY THIS COURT:

4.1 This Bench has heard the learned counsel representing the parties and with their able assistance perused the paperbook.

4.2 From the careful perusal of tabulated compilation of the various sale deeds, it is evident that all these sale instances are either with respect to the commercial or residential area. The total acquisition is for an area of 5.91

acres. Ordinarily, each acre consists of 4840 square yadrs. Ex.P-6 is a sale instance of 425 square yards. If we divide 4840/425 Sq. yards the value comes to less than 9% of an acre. Normally, the agricultural land is not sold in square yards. The landowners have failed to prove that the assessment made by the LAC is erroneous. In absence of the comparable sale instances of the contemporaneous period, this Court is left with no choice but for to affirm the award of the RC.

5. **DECISION:**

5.1 Hence, dismissed.

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

August 03rd, 2022
Ay

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*