

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA-4444-2013 (O&M) &
other connected cases
Reserved on: 26.08.2022
Date of decision: 07.09.2022

RANBIR SINGH AND ANOTHER

..Appellants

Versus

STATE OF HARYANA

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Kumar Jain, Advocate
Mr. S.K. Bhardwaj, Advocate
Mr. Ashok K. Sharma (Bhana), Advocate
Mr. V.D. Sharma, Advocate
Mr. Govind Mor, Advocate
Mr. Jasbir Mor, Advocate
Mr. Sansar Kundu, Advocate
Mr. S.K. Verma, Advocate
Mr. Manoj Kakkar, Advocate
Mr. Vineet Dhanda, Advocate
Mr. Arvind Seth, Advocate
Mr. Sandeep Lather, Advocate
for the landowners.

Mr. Shivendra Swaroop, AAG, Haryana.

ANIL KSHETARPAL, J.

1. **Background and introduction:**

1.1 While praying for modification of the market value assessed for the involuntary acquisition of land in Reference Court's award dated 14.01.2013, the landowners have filed this batch of appeals (details whereof are at the foot of the judgment). The learned counsel representing the parties are *ad idem* that the notification under Section 4 and 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 the Reference Court (hereinafter referred to as 'the RC'), are common, therefore this bunch of appeals can conveniently be disposed of by a common judgment.

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

Sr. No.	Particulars	Details
1.	Date of notification under Section 4	08.10.2008
2.	Declaration under Section 6	12.11.2008
3.	Date of LAC's award & number	04.06.2009 (Award No.4)
4.	Amount awarded by LAC	Vide Award No.4, LAC offered to pay to the landowners Rs.8,00,000/- per acre for <i>Nehri & Chahi</i> land and the owners of land upto the depth of 2 acres on Jind-Gohana Road have been offered @ of Rs.12,00,000/- per acre, whereas, the owners of <i>gair mumkin abadi deh</i> (Residential area) have been offered at the rate of Rs.19,36,000/- per acre.
5.	Area	18.23 Acre
6.	Village	Village Chabri
7.	District	Jind, Haryana
8.	Purpose	Jind-Gohana Road
9.	Date of RC award	14.01.2013
10.	Amount awarded by RC	Rs.8,00,000/- per acre for the <i>Nehri & Chahi</i> land, as well as the land upto the depth of 2 acres on Jind-Gohana Road; Rs.20,00,000/- per acre for the <i>gair mumkin abadi deh</i> (Residential area).

Facts:

1.3 Dissatisfied with the amount offered by the LAC, on applications, filed by the landowners, the matter was referred to the RC.

Nineteen reference applications were disposed of by a common order, whereas, only one appeal has been filed. The landowners claim that the amount offered by the LAC is insufficient and the market value of the acquired land was not less than Rs.30,00,000/- per acre. Whereas, the market value of the *gair mumkin* land was not less than Rs.40,00,000/-. The compensation for the severance of the land in various parcels have also been sought by the landowners.

1.4 On the other hand, the State of Haryana claims that the LAC has assessed a fair, proper and reasonable amount.

1.5 The RC while adjudicating, culled out the following issues:-

- “(1) What was the market value of acquired land? OPP*
- (2) Whether the petitioner is entitled to enhanced the value of the acquired land? OPP*
- (3) Whether no statutory benefits under the Land Acquisition Act has been given to the petitioners, if so to what benefits? OPP*
- (4) Whether no compensation for standing crops, kotha, trees, tubewell structure and bifurcation of the land etc. has been given if so to what amount? OPP*
- (5) Whether the petitions are time barred? OPR*
- (6) Relief.”*

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

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

<i>PW-1</i>	<i>Ram Naraian</i>
<i>PW-2</i>	<i>Partap Singh</i>
<i>PW-3</i>	<i>Vikram</i>
<i>PW-4</i>	<i>Hawa Singh</i>
<i>PW-5</i>	<i>Jasvir</i>
<i>PW-6</i>	<i>Dalip</i>
<i>PW-7</i>	<i>Satbir</i>
<i>PW-8</i>	<i>Satbir</i>
<i>PW-9</i>	<i>Ranbir</i>

PW-10	Om Parkash
PW-11	Pawan
PW-12	Inder Singh
PW-13	Sunil
PW-14	Vikram
PW-15	Sarupa
PW-16	Ved Pal
PW-17	Chand Ram

2.2 The landowners also produced the following documentary evidence in support of their case, apart from the sale deeds, a tabulated compilation of which is incorporated in para 3.2 of the judgment:-

Ex.P-1	Award No.2 dated 28.12.2011 of village Nuran.
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2.3 In oral evidence, the State of Haryana examined RW-1 Sh. K.S. Saini, Sub-Divisional Engineer, Provincial Sub-Division No.1.

2.4 In the documentary evidence, the State of Haryana has produced the sale deed Ex.R-1.

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

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

3.2 At this stage, it will be appropriate to compile the tabulated information of the sale deeds relied upon by the respective parties:-

SALE DEED PRODUCED BY THE LANDOWNERS								
Sr. No.	Exhibit Nos.	Sale Deed No.	Date	Total Area	Land calculated in marlas	Price (in Rs.)	Price Per Acre	Village
1	PW13/B	3451	05.12.2008	3K	60 marlas	4,50,000/-	12,00,000/-	Chabri
SALE DEED PRODUCED BY THE STATE								
1	R-1	4705	21.01.2008	1 Acre 5K-5M	266 marlas	8,28,125/-	4,98,120/-	Chabri

3.3 It may be noted here that the learned counsel representing the landowners submits that the sale deed bearing No.3451 (Ex.PW13/B), no doubt, is with respect to the period which is post the date of notification under Section 4 of the 1894 Act, however the sale deed is still relevant. It is contended that the sale took place within a period of two months after the date of notification under Section 4 of the 1894 Act, therefore, it can be relied upon by the Court while assessing the market value of the acquired land.

3.4 Per contra, the learned counsel representing the State of Haryana submits that a parcel of land measuring 1 acre and 5K-5M, has been sold by Ex.R-1, sale deed bearing No.4705 (dated 21.01.2008) at the approximate rate of Rs.5,00,000/- per acre. Hence, it is submitted that the amount offered by the LAC is appropriate, fair and reasonable.

3.5 It may be noted here that the State of Haryana has produced sale deed No.4705 dated 21.01.2008, evidencing the sale of land measuring more than 1 acre at the rate of Rs.5,00,000/- per acre.

3.6 Ex.P-1, the sale deed exemplar, is not only with respect to period post the date of notification under Section 4 of the 1894 Act but is also with respect to a small plot measuring 1815 sq. yards only. Ordinarily, 3 kanal land is not purchased for the agricultural purpose unless the vendee is already a co-owner, co-sharer or a neighbour. It is extremely dangerous to rely upon a sale deed with respect to the period which is post the date of notification under Section 4 of the 1894 Act, particularly when there is another sale deed of the contemporaneous period that has been produced by the State of Haryana to prove the market value of the acquired land. In such

circumstances, it will not be safe to rely upon Ex.PW13/B. Rather, sale exemplar Ex.R-1 produced by the State of Haryana is with respect to more than 1 and ½ acre of land located in village Chabri. Thus, the aforesaid sale instance i.e Ex.R-1 bearing No.4705 is comparatively more relevant.

3.7 The RC has already increased the amount from Rs.8,00,000/- per acre to Rs.10,00,000/- per acre while passing no separate order.

4. Decision:

4.1 The State of Haryana has not filed any cross-appeal. Hence, while dismissing the appeal, the amount assessed by the RC is upheld.

4.2 Keeping in view the aforesaid discussion, finding no merit, the appeal filed by the landowners is dismissed.

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

7th September, 2022

**(ANIL KSHETARPAL)
JUDGE**

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

SR. NO.	CASE NO.	PARTY NAME
1.	RFA-4444 OF 2013	RANBIR SINGH AND ANR. VS. STATE OF HARYANA
2.	RFA – 6163 OF 2013	KULDEEP AND ORS. VERSUS STATE OF HARYANA
3.	RFA – 7210 OF 2013	KRISHNA DEVI AND ORS. VERSUS STATE OF HARYANA
4.	RFA – 7211 OF 2013	MAI RAM AND ANR. VERSUS STATE OF HARYANA
5.	RFA – 7212 OF 2013	CHAND RAM VERSUS STATE OF HARYANA & ANR.
6.	RFA – 7213 OF 2013	RAM NARAYAN VERSUS STATE OF HARYANA
7.	RFA – 7214 OF 2013	JANTI RAM AND ORS. VERSUS STATE OF HARYANA
8.	RFA – 7215 OF 2013	RAJENDER AND ORS. VERSUS STATE OF HARYANA
9.	RFA – 2128 OF 2014	HUKMI AND ORS. VERSUS STATE OF HARYANA

**(ANIL KSHETARPAL)
JUDGE**