

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA No.10383 of 2014(O&M)
Date of Order:08.04.2022

Jai Bhagwan @ Bhoop Singh

..Appellant

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. N.K.Malhotra, Advocate
Mr.M.K.Khillan, Advocate,
Mr. Surinder Gandhi, Advocate
for the landowners.

Ms. Vibha Tewari, AAG, Haryana
Mr. Shivendra Swaroop, AAG, Haryana.

ANIL KSHETARPAL, J(Oral)

1. INTRODUCTION

1.1 Through this batch of 10 appeals, filed under Section 54 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the 1894 Act'), the landowners assail the correctness of the awards passed by the Reference Court (hereinafter referred to as 'the RC') on 26.10.2010 and 26.10.2013, respectively.

1.2 The landowners pray for re-assessment of the market value of the acquired land. The notifications under Section 4, 6 and the awards passed by the Land Acquisition Collector (hereinafter referred to as 'the LAC') are common. The Reference Court, through two different awards, has dismissed the applications.

1.3 The learned counsels representing the parties are ad-idem that

all these appeals can be conveniently disposed of by a common judgment.

2. **FACTS**

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

Date of notification under Section 4	15.12.2006
Date of notification under Section 6	14.12.2007
Area	31.75 Acres
Village	Jalalpur
District	Rohtak
Public Purpose	Solid water disposal
LAC Award	Award No.11, dated 22.10.2007
Amount awarded by the LAC	Rs.16,00,000/- per acre
Main Reference Court Award	Dated 26.10.2010 main leading case as “Bharat Singh vs. State of Haryana.”
Amount awarded vide above awards	Dismissed the petition
Subsequent Award	Dated 26.10.2013

2.2 The landowners claim that the acquired land is not only located in the National Capital Region but is also, hardly, located at a distance of two kilometers from the Maharishi Dayanand University and the Post Graduate Institute of Medical Sciences, Rohtak. They further contend that the Haryana Cooperative Sugar Mill is at a distance of 0.5 Kms. only from the acquired land.

2.3 Per contra, the State claims that the assessment made by the LAC is correct.

2.4 The trial court, after appreciating the pleadings, culled out the following issues:-

- “1. What was the market value of the acquired land at the time of issuance of notification under Section 4 of the Land Acquisition Act, 1894?OPP

2. Whether the petitioners are entitled to any amount as enhanced compensation as alleged, if so, to what extent?OPP.
3. Relief.”

3. **ORAL EVIDENCE AND DOCUMENTARY EVIDENCE**

3.1 **ORAL EVIDENCE**

3.1.1 In order to prove their case, the landowners have examined PW1-Om Parkash, PW2-Raj Singh Budhwar, PW3-Roop Chand and PW4-Jai Bhagwan.

3.1.2 On the other hand, the State of Haryana has examined Ram Niwas Kanungo as RW1.

3.2 **DOCUMENTARY EVIDENCE**

3.2.1 The landowners have produced the following documentary evidence except the sale deeds (a tabulated compilation of which is produced in para 3.5):-

Sr.No.	Ex.	Documents
1.	Ex.P1	Lay out plan
2.	Ex.P3	Copy of the Collector's rate
3.	Ex.PW3/A	Affidavit of Roop Chand
4.	Ex.PW4/A	Affidavit of Jai Bhagwan

3.2.2. Per contra, the State of Haryana has produced the following documents except the sale deeds (a tabulated compilation of which is given in para 3.5):-

Sr.No.	Ex.	Documents
1.	Ex.R1	copy of notification dated 15.12.2006
2.	Ex.R3	attested copy of the minutes of meeting dated 13.04.2007

3.	Ex.R4	attested copy of award dated 22.10.2007
4.	Ex.R5	attested copy of the Rehabilitation Policy under the oustees scheme
5.	Ex.R11	copy of the site plan.

3.3. The RC, after noticing that the sale instances produced by the landowners are with respect to a very small parcels of land which are not comparable, dismissed the reference applications.

3.4. With the consent of the learned counsels representing the parties, the Patwari of the area was directed to prepare a proper layout plan while identifying the locations of the various sale instances produced by the parties which has, afterwards, been produced and has been marked as Ex.HC-1.

3.5. For the sake of brevity, a consolidated compilation of the sale deeds, along with the relevant information, produced by the respective parties in the cases arising from the land located in village Jalalpur, is tabulated as under:-

Sr. No.	Exh. Nos.	Sale Deed No.	Date	Total Area	Land Calculated in Marlas	Price Per Acre/Price consideration in Rs.	Village
1.	P-2	5278	10.08.2005	101.33 Sq. Yards	-	Rs.38,92,825 / Rs.81,500	Rohtak
2.	P-5	2014	23.05.2007	120 Sq. Yards	-	Rs.4,59,80,000 / Rs.11,40,000	Rohtak
3.	R-6	8209	27.10.2005	1K-1M	21	Rs.3,27,619 / Rs.43,000	Sunari Kalan
4.	R-7	4558	20.07.2005	8K-16M	176	Rs.1,57,727 / Rs.1,73,500	Sunari Kalan
5.	R-8	2911	13.06.2005	6K-17M	137	Rs.2,00,291 / Rs.1,71,500	Sunari Kalan

6.	R-9	3074	15.06.2005	5K-4M	104	Rs.1,50,000 / Rs.97,500	Sunari Kalan
7.	R-10	1300	04.05.2007	4K-19M	99	Rs.10,00,404 / Rs.6,19,000	Jalal Pur

4. **ARGUMENTS ADDRESSED BY THE LEARNED COUNSELS**

4.1 This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book along with the record which was requisitioned.

4.2 The landowners claim that the RC has committed an error in overlooking the sale instances produced by the owners. They contend that at the most, some development cut could be imposed but the RC has erred in refusing to rely upon the aforesaid sale instances.

4.3 Per contra, the leaned State counsel has submitted that the sale instances produced by the landowners are only with respect to developed plots measuring 101.33 Sq. yds and 120 sq. yds., whereas the State has produced sale deed no.1300 dated 04.05.2007 with respect to land measuring 4 kanals and 19 marlas which has been sold at the rate of Rs.10,04, 004/- and the same is with respect to land located in village Jalalpur, itself. Hence, she contends that even after the issuance of the notification under Section 4 of the 1894 Act, the prices of the land remained below the market value awarded by the LAC.

5. **DISCUSSION BY THIS COURT**

5.1 In the present case, the total acquisition is of 31.75 acres of the land. The sale instances relied upon by the landowners are with respect to very small plots. Ordinarily, these plots can only be used either for residential purposes or for commercial purposes. It is established on the file that the acquired land was an agricultural land on the date of notification

under Section 4 of the 1894 Act. The landowners themselves claim that the crops of various vegetables were standing in the acquired land when the notification under Section 4 of the 1894 Act was issued. In these circumstances, the RC was correct in refusing to rely upon the sale instances produced by the landowners to assess the market value of the acquired land. The sale instances produced by the landowners cannot be said to be with respect to a parcel of land which is comparable with the acquired land. Further, it is evident that Ex.R10 is a sale instance with respect to land measuring 4 kanals and 19 marlas located in the same village from which the land has been acquired. This area has been sold at the rate of Rs.10,04,004/- per acre. From a bare look at the layout plan produced by the Patwari, it is evident that the aforesaid parcel of land is located near the acquired land. This parcel of land has been sold after a period of nearly five months after the issuance of notification under Section 4 of the 1894 Act. Furthermore, the various sale instances produced by the State prove that the land was being sold much below the amount assessed by the LAC.

6. **DECISION**

6.1 Keeping in view the aforesaid discussion, this court does not find it appropriate to interfere with the awards passed by the RC on 26.10.2010 and 26.10.2013, respectively.

6.2 With these observations, the appeals are dismissed.

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

April 08, 2022

nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

1	RFA-10383 OF 2014	JAI BHAGWAN @ BHOOP SINGH	STATE OF HARYANA AND OTHERS
2	RFA-3505 OF 2016	BHARAT SINGH (DIDE) THROUGH HIS LRS.	STATE OF HARYANA AND OTHERS
3	RFA-9044 OF 2014	RAM KUMAR AND OTHERS	STATE OF HARYANA AND OTHERS
4	RFA-3044 OF 2014	SURRENDER KUMAR AND OTHERS	STATE OF HARYANA AND OTHERS
5	RFA-3045 OF 2014	SMT. DAYA WANTI AND OTHERS	STATE OF HARYANA AND OTHERS
6	RFA-126 OF 2017	PAWAN KUMAR AND OTHERS	STATE OF HARYANA AND OTHERS
7	RFA-53 OF 2015	RAMSRAN	STATE OF HARYANA AND OTHERS
8	RFA-3506 OF 2016	DULLI CHAND	STATE OF HARYANA AND OTHERS
9	RFA-3504 OF 2016	DHOOP SINGH AND OTHERS	STATE OF HARYANA AND OTHERS
10	RFA-3043 OF 2014	DAYANAND	STATE OF HARYANA AND OTHERS

(ANIL KSHETARPAL)
JUDGE