

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

RFA No.1496 of 2014(O&M)

and other connected cases

Date of Decision:30.03.2022

Mukesh @ Hanuvinder Singh

...Appellant

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: **Mr. S.P.Chahar, Advocate,**
 Mr. Kamal Mor, Advocate
 Mr. N.C.Kinra, Advocate
 Mr. Kartar S. Malik, Advocate
 Mr. Kulvir Narwal, Advocate
 Mr. Sandeep K. Sharma, Advocate
 Mr. Pankaj Kaushik, Advocate
 Mr. Sudhir Hooda, Advocate
 Mr. Saugat Khurana, Advocate
 Mr. Vishal Verma, Advocate for
 Mr. Prateek Gupta, Advocate
 Mr. Jitender Nara, Advocate
 Mr. Surinder Gandhi, Advocate
 for the landowners.
 Mr. Shivendra Swaroop, AAG, Haryana
 and Ms. Vibha Tewari, AAG, Haryana.

ANIL KSHETARPAL (J).

1. INTRODUCTION

1.1 Through this batch of Appeals (details whereof are at the foot of the judgment) filed under Section 54 of the Land Acquisition Act, 1894 (hereinafter referred to as “the 1894 Act”), the landowners pray for modification of the various awards passed by the Reference Courts (hereinafter referred to as ‘RC’) on 01.11.2012, 05.11.2012, 31.07.2013, 13.03.2014 and 31.05.2014, passed while assessing the market value of the acquired land located in the revenue estate Rohtak. The Notification under

Section 4, 6 and the award passed by the Land Acquisition Collector (hereinafter referred to as “LAC”) are the same. By separate awards, the RC has dismissed all the reference applications. The learned counsel representing the parties are *ad idem* that these appeals can be conveniently disposed of by a common judgment.

2. **FACTS**

2.1 In order to construct a sector dividing road between Sector 7 and Sector 37, Rohtak and a peripheral road (falling on the Northern side of Sector 7, Rohtak), the State of Haryana on 15.12.2006, issued a Notification under Section 4 of the 1894 Act.

2.2 The relevant particulars of the acquisition are compiled in a tabulated form as under:-

Sr. No.	Title	Details
1.	Date of Notification under Section 4 of the 1894 Act .	15.12.2006
2.	Date of Notification under Section 6 of the 1894 Act	18.10.2007
3.	Number and date of the Award of the Land Acquisition Collector.	Award No.22, dated 14.03.2008 Revenue Estate Rohtak. Land measuring 270.14 acres
4.	Amount assessed by the LAC.	Rs.16,00,000/- per acre.
5.	Amount assessed by the RC.	Vide award dated 01.11.2012, 05.11.2012, 31.07.2013, 13.03.2014 and 31.05.2014, the reference applications were dismissed.

2.3 The landowners claim that the LAC and the RC erred in assessing the market value of the acquired land. The land in question is located within the National Capital Region and is hardly at a distance of 60 Kms from the National Capital, New Delhi. There are many schools and hospitals including Post Graduate Institute of Medical Sciences, Rohtak near the acquired land. Sukhpura is located near the acquired land which is a hub of Rohtak City. The acquired land is suitable for residential as well as commercial purposes. The market value of the land is not less than Rs.12,000/- per Sq. Yds.

2.4 Per contra, the State has submitted that the assessment of the market value by the Land Acquisition Collector is correct and needs no interference.

2.5 It may be noted here that the State of Haryana has not filed any appeal, assailing the correctness of the various judgments passed by the Reference Court.

3. **EVIDENCE PRODUCED BY THE PARTIES IN VARIOUS CASES**

3.1 **ORAL EVIDENCE**

(I) In a batch of cases decided on 01.11.2012.

3.1.1 In order to prove their case, the land owners have examined PW1-Satdev, Record Keeper of the office of Sub-Registrar, Rohtak, who has proved the certified copies of the sale deeds Ex.P1 to Ex.P5, PW2-Sh. J.K.Jain, who has proved the site plan Ex.P6 and PW3-Shri Krishan, one of the landowner.

3.1.2 On the other hand, the State of Haryana has examined RW1-

Ram Niwas Kanungo, who has proved notification under Section 4 of the Land Acquisition Act, 1894. RW2-Patwari was examined to prove Aks-sijra (revenue layout plan) and 8 sale deeds.

(II) In a batch of cases decided on 05.11.2012

3.1.3 In order to prove their case, the land owners have examined PW1-Bhupinder Singh, who has produced the site plan Ex.P1/1, list of Collector rate Mark-A, the notification under Section 4 of the 1894 Act, dated 15.12.2006, Mark-B, application Mark-C, copy of judgment dated 10.03.2010, passed by the High Court, Ex.P3, a copy of the award dated 14.03.2008, Ex.P4/P2, PW2-Suraj Mal, one of the landowner, produced sale deed Ex.P1 and award no.22, dated 14.08.2008 as Ex.P2/P4, PW3-Ram Kishan, one of the landowner.

3.1.4 On the other hand, the State of Haryana has examined RW1-Ram Niwas Kanungo.

(III) In the batch of cases decided vide award dated 31.07.2013

3.1.5 In order to prove their case, the land owners have examined PW1-Sat Dev who proved deed No.2845, dated 26.06.2006 as Ex.P1, certified copies of deeds No.5481 and 5482, dated 22.09.2006 as Ex.P2 and Ex.P3, certified copies of the deeds no.2171 dated 28.05.2007 and No.6706 dated 15.10.2007 as Ex.P4 and Ex.P5, PW2-Urmila who tendered the copy of the collector rate as Ex.P6.

3.1.6 On the other hand, the State of Haryana has examined RW1-Ram Niwas, Kanungo.

(IV) In the batch of cases decided on 13.03.2014

3.1.7 In order to prove their case, the land owners have examined PW1-Raghbir Singh and PW2-Ram Bhaj.

3.1.8 On the other hand the State of Haryana did not produce any oral evidence.

(V) **In the batch of cases decided by the RC on 31.05.2014**

3.1.9 The landowners examined PW1 Zile Singh, PW1-Ranbir Singh (wrongly numbered), PW2-Ram Phal, PW4 Hawa Singh.

3.1.10 Per contra, State of Haryana examined Suresh Kumar Patwari as RW1.

3.2 **DOCUMENTARY EVIDENCE**
(I) **In a batch of cases decided on 01.11.2012.**

3.2.1 The landowners have produced the following documentary evidence apart from the sale deeds (a tabulated compilation of which is produced in para 3.3)

Sr.No.	Ex.	Document
1.	Ex.P6	Site Plan

3.2.2. Per contra, the State of Haryana has produced the following documents apart from the sale deed (a tabulated compilation of which is given in para3.3)

Sr.No.	Ex.	Documents
1.	Ex.D1	Notification under Section 4 of the Land Acquisition Act, 1894.
2.	Ex.D2	Notification under Section 6 of the Land Acquisition Act, 1894.
3.	Ex.D3	List of Collector rate.
4.	Ex.D4	Award Dated 14.03.2008

5.	Ex.D5	Resettlement and Rehabilitation Policy.
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(II) **In a batch of cases decided on 05.11.2012**

3.2.3 The landowners have produced the following documentary evidence apart from the sale deeds (a tabulated compilation of which is produced in para 3.3)

Sr.No.	Ex.	Document
1.	Ex.P1/1	Site Plan
2.	Mark-A	Collector Rate
3.	Mark-B	Land acquisition notice under Section 4, dated 15.12.2006.
4.	Mark-C	Application
5.	Ex.P3	Copy of judgment dated 10.03.2010, passed by the High Court.
6.	Ex.P4	Copy of the award dated 14.03.2008.

3.2.4. Per contra, the State of Haryana has produced the following documents apart from the sale deed (a tabulated compilation of which is given in para 3.3)

Sr.No.	Ex.	Documents
1.	Ex.D5	Copy of the policy of the State-Rehabilitation & Resettlement Policy

(III) **In the batch of cases decided vide award dated 31.07.2013**

3.2.5 The landowners have produced the following documentary evidence apart from the sale deeds (a tabulated compilation of which is produced in para 3.3)

Sr.No.	Ex.	Document
1.	Ex.P6	Copy of collector rate.

3.2.6. Per contra, the State of Haryana has produced the following documents apart from the sale deed (a tabulated compilation of which is given in para 3.3)

Sr.No.	Ex.	Documents
1.	Ex.R1	Certified copy of the award dated 01.11.2012
2.	Ex.R2	Copy of notification under Section 4 of the Land Acquisition Act, 1894
3.	Ex.R3	Copy of notification under Section 6 of the Land Acquisition Act, 1894
4.	Ex.R4	Copy of the Collector's rate
5.	Ex.R5	Copy of LAC award No.22, dated 14.03.2008
6	Mark-X9	Copy of award dated 05.11.2012

(IV) **In the batch of cases decided on 13.03.2014**

3.2.7 The landowners have produced the following documentary evidence apart from the sale deeds (a tabulated compilation of which is produced in para 3.3)

Sr. No.	Ex.	Document
1.	Ex.P3 and Ex.P4	copies of mutation
2.	Ex.P5	a copy of the Collector's rate for the year 2010-2011
3.	Ex.P6	a copy of the Collector's rate for the year 2013-2014.

3.2.8 On the other hand, HUDA produced the following documentary evidence apart from the sale deeds (a tabulated compilation of which is produced in para 3.3)

Sr.No.	Ex.	Document
1.	Ex.R1	copy of judgment dated 31.07.2013
2.	Ex.R2	a copy of judgment dated 05.11.2012

(V) **In the batch of cases decided on 31.05.2014.**

3.2.9 The landowners producedthe following documentary evidence apart from the sale deeds (a tabulated compilation of which is produced in para 3.3)

Sr.No.	Ex.	Document
1.	Mark-A	photocopy of the General Power of Attorney of Smt. Sushila
2.	Mark-B	photocopy of the General Power of Attorney of Meenakshi
3.	Mark-C	a copy of the Collector's rate

3.2.10 On the other hand, the State of Haryana produced the following documentary evidence apart from the sale deeds (a tabulated compilation of which is produced in para 3.3)

Sr.No.	Ex.	Document
1.	Ex.R1	copy of the award No.22, dated 14.03.2008

3.3 **TABULATED COMPILATION OF SALE DEEDS:**

For the sake of brevity, a consolidated compilation of the sale deed along with the relevant information produced by the respective parties in the cases arising from the acquired land located in the revenue estate, Rohtak, is tabulated as under:-

Village Rohtak (Rohtak)

Sr. No.	Exhibit No.	Sale Deed No. &Date	Total Area	Price/ Price Per Acre	Village
1	P-1 P-1	2845 26.06.2006	2B-7.5B	62,67,031 42,21,999	Rohtak
2	P-2 P-2	5481 22.09.2006	210 Sq. Yards	4,22,500 97,37,619	Rohtak
3	P-3 P-3	5482 22.09.2006	95 Sq. Yards	1,90,000 96,80,000	Rohtak
4	P-4 P-4	2171 28.05.2007	49 Sq. Yards	1,96,000 1,93,60,000	Rohtak
5	P-5 P-5	6706 15.10.2007	16 Sq. Yards	1,60,000 4,84,00,000	Rohtak
6	RW-2/B	8860	9 Biswa	1,69,000	Rohtak

	RW-2/B	14.11.2005		6,00,888	
7	RW-2/C	10796	16.66	3,12,500	Rohtak
	RW-2/C	27.12.2005	Biswa	6,00,240	
8	RW-2/D	2221	4B-14B	11,00,000	Rohtak
	RW-2/D	27.05.2005		3,74,468	
9	RW-2/E	7162	14 Biswa	6,56,500	Rohtak
	RW-2/E	17.11.2006		15,00,571	
10	RW-2/F	9222	6	4,90,000	Rohtak
	RW-2/F	24.11.2005	Biswa	26,13,333	
11	RW-2/G	5639	1B-7B	12,66,000	Rohtak
	RW-2/G	27.09.2006		15,00,444	
12	RW-2/H	13957	10	1,87,500	Rohtak
	RW-2/H	08.03.2006	Biswa	6,00,000	
13	RW-2/J	1138	3B-14B	28,09,000	Rohtak
	RW-2/J	10.05.2006		12,14,702	
14	P-4	4573	1B-14B	89,00,000	Rohtak
	P-2	30.07.2007		83,76,470	
	P-1				
15	P-5	964	1B-2B	34,37,500	Rohtak
		26.04.2007		50,00,000	
16	P-2	2929	4 ½ Biswa	3,500	Rohtak
		30.07.1986		24,888	

Village Rohtak (Rohtak)

Sr. No.	Exhibit No.	Sale Deed No. & Date	Total Area	Price/ Price Per Acre	Village
17	P-2	386 11.04.2007	250 Sq. Yards	6,87,500 1,33,10,000	Para
18	P-3	1223 03.05.2007	203 Sq. Yards	6,09,000 1,45,20,000	Para

4 ARGUMENTS OF LEARNED COUNSELS REPRESENTING THE RESPECTIVE PARTIES

4.1 The learned counsel representing the landowners has contended that the RC while passing the award has wrongly ignored the sale deed Ex.P1 which is of the same revenue estate. The sale consideration was paid through cheque and therefore, the Court wrongly ignored the same. The RC has also erred in ignoring the sale deed Ex.P1 on the ground that the said land was purchased for carving out the residential plots. Such observation is without any evidence available on the record. They have further contended that the acquired land was situated within the Municipal Limits of the Rohtak City. The Court has also committed an error in failing to take into consideration the collector's rates for the year 2007-2008 (Ex.P6). The RC has also erred in taking into consideration the benefits available under Rehabilitation and Resettlement Policy (Ex.P5).

4.2 Per contra, the learned State counsel, while drawing the attention of the Court to the sale deeds produced by the State, contends that sale deed no.3957 dated 08.03.2006 and sale deed no.10796 dated 27.12.2005 are with respect to the parcels of land which have been acquired. Hence, it is evident that the per acre price was less than Rs.16,00,000/-. She has further contended that the sale deed no.5639, dated 21.09.2006 with respect to land measuring 1 bigha and 7 biswas which is equivalent to 6 kanals and 15 marlas has been sold at the rate of Rs.15,00, 444/- per acre. Some part of the aforesaid land has also been acquired. This sale deed is only 3 months prior to the date of notification under Section 4. She further contends that the sale deeds produced by the landowners are with respect to the land located at a distance. It has been pointed out that the sale deed no.2845 dated 26.06.2006 is with respect to land measuring 2 bighas and 7½ biswas sold at the rate of Rs.42,21,981/- is located on a highway and the land has been purchased by a colonizer for carving out plots. She submitted that it would not be appropriate to rely upon the aforesaid sale deeds.

5. **REASONS GIVEN BY THE RC IN VARIOUS AWARDS**

5.1 In award dated 01.11.2012, the RC, after carefully examining the sale deeds Ex.P2, to Ex.P5, observed that these sale instances are with respect to the plots of very small size and therefore, not comparable. With respect to sale instance (sale deed No.2845 dated 26.06.2006)Ex.P1, the Court has observed that the developer has purchased the land for carving out residential plots and it is located at a far away place from the acquired land. The RC has also observed that a bare look at the sale deeds produced by the State of Haryana prove that at the relevant period, the highest price of the

acquired land time was around 15,00,000/- per acre whereas the LAC has already awarded Rs.16,00,000/- per acre. The court has also noticed the benefits available to the landowners under the Rehabilitation and Resettlement Policy. The LAC Award No.12.01.2011 has been ignored on the ground that it was passed after a period of three years from the date of notification under Section 4.

5.2 In the award dated 31.07.2013, similar reasons as recorded in the award dated 01.11.2012 were recorded. In the award dated 31.05.2014, the RC ignored the sale deeds produced by the landowners as they were all post the date of notification under Section 4 of the 1894 Act i.e. 15.12.2006 and on the ground that Ex.P1 and Ex.P2 are of a very small area. He relies upon the award of the RC dated 05.11.2012.

5.3 In award dated 13.03.2014, the court after finding that the exemplar sale deeds produced relate to very small pieces of land i.e for almost 225 sq. yds. refused to rely upon the same. The Court has noticed that previously with respect to the same acquisition, two judgments dated 05.11.2012 and 31.07.2013 in LAC No.2 of 2010 has been delivered. Therefore, the Court after relying upon the same dismissed the petition.

5.4 In award dated 31.05.2014, the RC, after finding that none of the sale deeds relate to the period around 14.03.2008 i.e. the date of award of the LAC and all the sale deeds are with respect to small parcels of land which are not comparable, dismissed the reference petitions while relying upon the award passed in LAC case No.103 of 2010, decided on 05.11.2012. The RC has committed an error while observing that none of the sale deeds relate to the period around 14.03.2008 i.e. the date of the passing of the

Collector's award. As per Section 23 of the 1894 Act, the market value of the acquired land is required to be assessed on the date of notification under Section 4 of the 1894 Act i.e. 15.12.2007. In any case, the sale deeds produced by the landowners are with respect to not only small parcels of land but also post the date of notification under Section 4 of the 1894 Act. Hence, they cannot be relied upon.

6. DISCUSSION BY THIS COURT

6.1 With the consent of the learned counsel representing the parties, the State of Haryana has requested to produce a copy of the comprehensive layout plan of the acquired area while identifying the location of the various parcels of land sold through the various sale deeds produced by both the parties. On being produced, it has been taken on record as Ex. HC-1. On a careful perusal thereof, it is evident that the acquired land is a narrow L-shaped strip of land. It is also evident that the sale instances, produced by the landowners, do not form part of the acquired land. Although, Ex.P1, is near the acquired land, however, it is on the other side of the highway. It is located in a commercial area. In fact, the parcel of land sold through Ex.P1 are located on the existing bye-pass road and does not form a part of the acquired land. Further, it is evident that the sale deed no.3957, dated 08.03.2006, with respect to land measuring 10 biswas (equivalent to 2 kanals and 9 marlas) has been sold at the rate of Rs.7,00,000/- per acre. The entire area of the aforesaid sale instance has been acquired. This sale deed is just 9 months prior to the date of notification under Section 4 of the 1894 Act. Similarly, sale deed no.10796 dated 27.12.2005, with respect to 17 biswas of land which is equivalent to 4 kanals and 4 marlas sold at the

average rate of Rs.5,88,235/- has also been acquired. This is one year before the issuance of notification under Section 4 of the 1894 Act. Furthermore, in sale instance 5639 dated 21.09.2006, with respect to 1 bigha and 7 biswas (equivalent to 6 kanals and 15 marlas) sold at the rate of Rs.15,00,444/-, some part has been acquired. The parcels of land sold through sale deed No.8860, 2221, 5639 and 9222 are abutting the acquired land.

6.2 In view of the aforesaid evidence produced by the State of Haryana, the RC has correctly ignored Ex.P1, the sale instance which has been produced by the landowners with respect to a parcel of land acquired on the existing bye-pass road. From a careful reading of the sale deed Ex.P1, it is evident that Dipesh Realtors Pvt. Ltd. purchased land measuring 2 bighas and 7.5 biswas equivalent to 7185.375 Sq. Yds, located on the existing bye-pass road. In the considered view of the Court, it is not appropriate to rely upon the sale deed no.2845, as suggested by the learned counsel representing the landowners, to assess the market value of the acquired land in the absence of any evidence to prove that the aforesaid sale deed is with respect to a comparable parcel of land.

7. **DECISION**

7.1 Consequently, all the appeals shall stand dismissed.

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

March 30, 2022
nt

(ANIL KSHETARPAL)
JUDGE

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

Sr. No.	Case No.	Party name
1.	RFA-6268-2015	RANBIR SINGH & ORS V/S STATE OF HARYANA & ANR
2.	RFA-322-2018	YUDHVIR V/S STATE OF HARYANA AND ORS
3.	RFA-9554-2014	PREM SINGH & OTHER V/S STATE OF HARYANA & ANR
4.	RFA-1953-2013	SURAJ MAL AND ORS V/S STATE OF HARYANA AND ANR
5.	RFA-1954-2013	RAM KISHAN AND ORS V/S STATE OF HARYANA AND ANR
6.	RFA-8820-2014	KRISHANA DEVI THR. SGPA V/S STATE OF HARYANA & ORS
7.	RFA-5847-2015	RULIA V/S STATE OF HARYANA & ANR
8.	RFA-62-2015	M/S ONE POINT REALITY PVT. LTD. V/S STATE OF HARYANA & ANR.
9.	RFA-1074-2014	MUKESH @ HANUVINDER SINGH V/S STATE OF HARYANA & ANR
10.	RFA-683-2014	PRABODH CHAND MITTAL V/S STATE OF HARYANA AND ANR.
11.	RFA-7921-2013	SMT. NAINI JAIN V/S STATE OF HARYANA AND ANR
12.	RFA-8724-2014	MUKESH @ HANUVINDER SINGH V/S STATE OF HARYANA & ORS
13.	RFA-575-2014	SARITA JAIN MITTAL V/S STATE OF HARYANA AND ANR
14.	RFA-1955-2013	PHOOLPATI AND ORS V/S STATE OF HARYANA AND ORS
15.	RFA-7919-2013	PARUL JAIN V/S STATE OF HARYANA AND ANR
16.	RFA-1598-2014	RAM PHAL & ORS V/S STATE OF HARYANA & ANR
17.	RFA-4448-2013	SHRI KRISHAN & ANR V/S STATE OF HARYANA & ORS
18.	RFA-9749-2014	ZILE SINGH V/S STATE OF HARYANA & ANR
19.	RFA-7920-2013	URMIL JAIN V/S STATE OF HARYANA AND ANR
20.	RFA-8725-2014	MUKESH @ HANUVINDER SINGH V/S STATE OF HARYANA & ORS
21.	RFA-4373-2013	BHUPINDER SINGH V/S STATE OF HARYANA & ANR

22.	RFA-8004-2013	RAM KISHAN AND ORS V/S STATE OF HARYANA AND ANR
23.	RFA-8726-2014	MUKESH @ HANUVINDER SINGH V/S STATE OF HARYANA & ORS
24.	RFA-9814-2014	DILBAGH AND ORS. V/S STATE OF HARYANA AND OTHER
25.	RFA-1496-2015	JAGDISH AND ORS V/S STATE OF HARYANA AND ORS
26.	RFA-5845-2015	NARESH & ORS V/S STATE OF HARYANA & ANR
27.	RFA-5846-2015	HOSHIAR SINGH V/S STATE OF HARYANA & ANR
28.	RFA-1952-2013	SURAJ MAL AND ORS V/S STATE OF HARYANA AND ANR
29.	RFA-1496-2014	MUKESH @ HANUVINDER SINGH V/S STATE OF HARYANA & ORS
30.	RFA-1073-2014	MUKESH @ HANUVINDER SINGH V/S STATE OF HARYANA & ANR
31.	RFA-7918-2013	VIKAS JAIN V/S STATE OF HARYANA AND ANR
32.	RFA-1497-2014	MUKESH @ HANUVINDER SINGH V/S STATE OF HARYANA & ORS
33.	RFA-7917-2013	VIKAS JAIN V/S STATE OF HARYANA AND ANR

(ANIL KSHETARPAL)
JUDGE