

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

RFA-2513-2016 (O&M)

Date of decision: 17.10.2022

Reserved on: 30.09.2022

Satpal Singh (deceased) through his Lrs and another

....Appellants

Versus

State of Haryana and others

..Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Akshay Jindal, Advocate  
Mr. Birender Singh Rana, Sr. Advocate with  
Mr. Nayandeep Rana, Advocate  
Mr. Sumeet Goel , Senior Advocate,  
with Mr. A. N. Vaid, Advocate,  
Mr. Sanjiv Gupta, Advocate,  
Mrs. Neeraj, Advocate,  
with Mr. Abhinav, Advocate, &  
Mr. Madan Pal, Advocate,  
Mr. Nonish Kumar, Advocate,  
Mr. J.P. Sharma, Advocate,  
Mr. Nayandeep Rana, Advocate,  
Ms. Vaishali Kamboj, Advocate,  
Mr. M. K. Taya, Advocate,  
Mr. Rahul Deswal, Advocate,  
Mr. Ashok Kumar Khubber, Advocate,  
Mr. Pankaj Bali, Advocate,  
Ms. Monika Gupta, Advocate,  
Mr. Rajinder Goel, Advocate,  
Mr. J. K. Goel, Advocate,  
Mr. Himanshu Sharma, Advocate,  
Mr. Rajesh Bansal, Advocate,  
Mr. Vikram Singh, Advocate,  
Mr. Varinder Singh, Advocate for appellant (s) -landowners

Mr. Ajay Chauhan, Advocate, for  
Mr. Diwan S. Adlakha, Advocate,  
Mr. J. S. Virk, Advocate,  
Mr. Manoj Kumar Taya,  
Ms. Monika Gupta, Advocate,  
Mr. Dhruv Kaushik, Advocate, for  
Mr. Arun Sharma, Advocate,

Mr. Nonish Kumar, Advocate,  
for the respondents .

Mr. Pritam Singh Saini, Advocate,  
Mr. Lokesh Sinhal, Advocate,  
Mr. Deepak Balyan, Advocate, for HSIIDC

**ANIL KSHETARPAL, J**

**1. Background and Introduction:-**

While praying for modification of the market value of the acquired land assessed by the award passed by the Reference Court dated 10.11.2015, the landowners as well as the Haryana State Industrial and Infrastructural Development Corporation (hereinafter referred to as ‘HSIIDC’) have filed this batch of appeals, (detail whereof is at the foot of the judgment). The notification under Section 4, 6 of the Land Acquisition Act, 1894 (hereinafter referred to as ‘1894 Act’) and the awards passed by the LAC and the RC are common. The learned counsel representing the parties are ad idem that this batch of appeals can conveniently be disposed of by a common judgment. In fact, the RC, after consolidating all the reference petitions, has delivered the main judgment in ‘Satpal Singh and others vs. The State of Haryana and others’.

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

| Relevant Date | Particulars                                                                                                                                                                                                                                                                                                            |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 27.11.2002    | Notification under Section 4 of the 1894 Act was published proposing to acquire the land for construction and development of Industrial Estate and for laying of sewerage and storm water drain in Sector 3, Kasba Karnal over a land measuring 25 acres 1 bigha and 9 biswas equivalent to 103 bighas and 469 biswas. |
| 14.11.2003    | Declaration under Section 6 was published                                                                                                                                                                                                                                                                              |
| 30.05.2004    | Vide award no.4 the LAC Karnal offered to pay Rs.8,00,000/- per acre upto the depth of 2 acres for the acquired land abutting GT Road, whereas, with respect to                                                                                                                                                        |

|            |                                                                                                                                                                                                                                                                                                                                                                     |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | acquired land beyond the depth of 2 acres from the GT Road, the LAC offered to pay at the rate of Rs.5,00,000/- per acre                                                                                                                                                                                                                                            |
| 04.10.2010 | In the first round, the RC assessed the market value at the rate of Rs.475/- per square yard by working out 12% per annum increase on the market value assessed by the court as on 13.03.1981 with respect to acquisition of land for sector 3, Industrial Estate, Karnal, which was assessed at the rate of Rs.44/- per square yard, after excluding the year 2002 |
| 25.09.2014 | In Sushila Devi and others vs. State of Haryana and others RFA 1608 of 2011 and other connected cases, the High Court remitted the cases back to the RC for deciding afresh.                                                                                                                                                                                        |
| 10.11.2015 | The RC has assessed the market value of the acquired land at Rs.795.82 per square yard which in terms of per acre of 4840 square yards, comes to Rs.38,51,768.80                                                                                                                                                                                                    |

1.3 While projecting the potentiality of the acquired land, the landowners have claimed that the acquired land is in small parcels of land located inside Sector 3, Industrial Estate, Karnal. It has been claimed that the acquired land is located close to the National Highway and the State has already developed not only Sector 3, Karnal as Industrial Estate but has also constructed a new grain market, new vegetable market and residential sector 16, Karnal, in the nearby area. Hence, the land is commercial, in true sense and therefore, the LAC has wrongly assessed the land as agricultural land. On the other hand, HSIIDC, (the beneficiary of the acquisition) claims that the LAC has offered fair, adequate and appropriate compensation for the land acquired.

## 2. Oral and Documentary Evidence:-

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

|     |                                             |
|-----|---------------------------------------------|
| PW1 | Des Raj, HRC, HRA Branch, DC Office, Karnal |
|-----|---------------------------------------------|

|      |                                                            |
|------|------------------------------------------------------------|
| PW2  | Virender Singh                                             |
| PW3  | Sikander Lal, partner of M/s Sharma Agro Industries        |
| PW4  | Sushila Devi                                               |
| PW5  | Rajinder Kumar, Assistant Office of HUDA, Karnal           |
| PW6  | Krishan Kumar, Assistant Manager, HSIIDC, Sector 3, Karnal |
| PW7  | Harvinder Singh, Draftsman Civil, District Courts, Karnal  |
| PW8  | Ram Kumar Kamboj, Draftsman, District Courts, Karnal       |
| PW9  | Ashok Gulati, AR Market Committee, Karnal                  |
| PW10 | Hansraj, Building Inspector, MC, Karnal                    |
| PW11 | Gopal Krishan, Clerk, MC, Karnal                           |
| PW12 | Sunder Singh s/o Balwant Singh                             |

2.2 In documentary evidence, the landowners produced the following documents, apart from the sale deeds, a tabulated compilation of which is given in para 3.5:-

|           |                                                                                                                                   |
|-----------|-----------------------------------------------------------------------------------------------------------------------------------|
| Ex.P1     | Copy of Collector rates for District Karnal for the year 2001-2002                                                                |
| Ex.P2     | Copy of Collector rates for District Karnal for the year 2002-2003                                                                |
| Ex.P3     | Copy of Collector rates for District Karnal for the year 2003-2004                                                                |
| Ex.P4     | Copy of Collector rates for District Karnal for the year 2008-2009                                                                |
| Ex.PW4/A  | Affidavit of Sushila Devi                                                                                                         |
| Ex.P5     | Affidavit of Virender s/o Satpal                                                                                                  |
| Ex.PW5/A  | Copy of letter dt.25.11.91 of Chief Town Planner, HUDA, Panchkula to Chief Divisional Manager, Indian Oil Corporation, Chandigarh |
| Ex.PW5/B  | Copy of memo dated 29.8.1991 of Chief Town Planner, HUDA, Panchkula to Estate Officer, HUDA, Karnal.                              |
| Ex.PW5/C  | Copy of letter of intent for allotment of land to Indian Oil Corporation Ltd. At Karnal                                           |
| Ex.PW8/A  | Site Plan                                                                                                                         |
| Ex.PW11/A | Copy of Assessment Register                                                                                                       |

|                   |                                                                                                                                                     |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| Ex.PW11/B         | Copy of Assessment Register of Municipal Council, Karnal                                                                                            |
| Ex.PW12/A         | Affidavit of Sunder Singh                                                                                                                           |
| Ex.PW12/B         | Copy of layout plan for industrial estate                                                                                                           |
| Ex.PW12/C         | Copy of revised layout plan for industrial estate                                                                                                   |
| Ex.PW13/A         | Valuation report of M/s Indian Discs Corporation                                                                                                    |
| Ex.PW13/B         | Valuation report of M/s Sharma Agro Industries                                                                                                      |
| Ex.PW13/C         | Valuation report of M/s Haryana Krishi Yanter/GM Agricultural                                                                                       |
| Ex.PW13 to Ex.P29 | Sale deeds                                                                                                                                          |
| Ex.P30            | Copy of judgment dt. 21.5.2005 in LA case no.7 of 2001 titled Jai Pal Sharma and others vs. Haryana State through the Collector, Karnal             |
| Ex.P31            | Copy of judgment/award dated 20.9.2008 in LA case no.37/99 titled Kalyan Singh and others vs. The Collector LAC etc.                                |
| Ex.P32            | Copy of judgment dated 3.8.2005 in LPA no.303/2000 titled Smt. Mahabiri Devi and others vs. The State of Haryana through Collector, Karnal and anr. |
| Ex.P33            | Copy of judgment dated 3.8.2005 in LPA no.2356 of 2000 titled Sukhbir Singh alias Satbir Singh and others vs. State of Haryana and others           |
| Ex.P34            | Copy of order dated 17.12.2004 in LPA No.687 of 2000 titled Satpal Singh and anr. vs. State of Haryana through Collector, Karnal and anr.           |
| Ex.P35            | Copy of judgment/award dt. 11.5.2009 in LA case no. 46 of 2006 titled Ram Kumar vs. State of Haryana and others                                     |
| Ex.P36            | Copy of jamabandi for the year 1999-2000                                                                                                            |
| Ex.P37            | Copy of jamabandi for the year 2004-2005                                                                                                            |

2.3 In oral evidence, the HSIIDC has examined the following witnesses:-

|     |                                                   |
|-----|---------------------------------------------------|
| RW1 | Rajbir Singh, Manager (IA), HSIIDC                |
| RW2 | Ram Kishan, Revenue Accountant, DC Office, Karnal |
| RW3 | Jai Singh, Patwari                                |
| RW4 | Bharat Singh, Patwari, Karnal                     |
| RW5 | Harish Kaushik, JE, PWED, B&R, Karnal             |

|     |                                                                            |
|-----|----------------------------------------------------------------------------|
| RW6 | Kuldeep Singh, Clerk, Office of Land Acquisition Collector-cum-DRO, Karnal |
|-----|----------------------------------------------------------------------------|

2.4 In documentary evidence, HSIIDC, produced the following documents:-

|                    |    |                                                                                                                             |
|--------------------|----|-----------------------------------------------------------------------------------------------------------------------------|
| Ex.D1<br>Ex.D5     | to | Sale deeds                                                                                                                  |
| Mark A             |    | Chant Report (copy)                                                                                                         |
| Mark B             |    | Copy of letter dated 20.4.05 from Executive Engineer, Provincial Division No.2, PWED B&R, Br. Karnal to LAC-cum-DRO, Karnal |
| Mark C             |    | Report of Deputy Conservator of Forest, Karnal to LAC dated 1.3.2005                                                        |
| Mark D             |    | Copy of letter dated 7.4.05 of Assistant Agricultural Engineer, Uchani (Karnal) to LAC cum DRO, Karnal                      |
| Mark E             |    | Report of Divisional Rates Fixation Committee, Rohtak                                                                       |
| Ex.R6              |    | Copy of letter dated 22.4.02 of LAC, Karnal to Collector, Karnal                                                            |
| Ex.R7              |    | Copy of letter dated 26.4.02 of DC, Karnal to Tehsildar, Karnal                                                             |
| Ex.R8              |    | Copy of order dt. 1.8.2002 of Tehsildar, Karnal                                                                             |
| Ex.R12             |    | Copy of letter dt. 20.4.05 from Executive Engineer, Provincial Division No.2, PWD B&R Br. Karnal to LAC-cum-DRO Karnal      |
| Ex.R13<br>Ex.R49/A | to | Copies of assessments and site plans                                                                                        |
| Ex.R50             |    | Copy of award no.4 for the year 2005-06                                                                                     |
| Ex.R51             |    | Report of Deputy Conservator of Forest, Karnal to Land Acquisition Collector dated 1.3.2005                                 |
| Ex.R52             |    | Letter dt.7.4.05 of Assistant Agricultural Engineer, Uchani (Karnal) to Land Acquisitiuon Collector.                        |

2.5 In rebuttal evidence, the landowners produced the following documents:-

|        |                                    |
|--------|------------------------------------|
| Ex.P38 | Copy of sale deed dated 28.10.1999 |
|--------|------------------------------------|

|        |                                                                                                                           |
|--------|---------------------------------------------------------------------------------------------------------------------------|
| Ex.P39 | Copy of order dated 10.9.2004 of Collector, Karnal                                                                        |
| Ex.P40 | Copy of order passed by Hon’ble High Court in LPA no.21 of 2009, titled Balwan Singh vs. The State of Haryana through LAC |
| Ex.P41 | Copy of order passed by Hon’ble High Court in LPA no.17 of 2009 titled as Raj Pal and others vs. State of Haryana and anr |
| Ex.P42 | Copy of judgment dated 5.10.2007 of Hon’ble High Court in RFA no.1659 of 1991                                             |
| Ex.P43 | Copy of notification dated 9.4.2002                                                                                       |

2.6 Pursuant to the remand of the cases from the High Court, the landowners examined the following witnesses:-

|      |                                                                                                 |
|------|-------------------------------------------------------------------------------------------------|
| PW2  | Virender Singh                                                                                  |
| PW14 | Ram Chander, Assistant Office of Director General of Industrial Commerce Department, Chandigarh |
| PW15 | Rakesh Kumar, Assistant Manager (IA) HSIIDC, Karnal                                             |
| PW16 | Pankaj Dhawan Auction Recorder, Market Committee, Karnal                                        |

2.7 In documentary evidence, they produced the following documents:-

|                  |                                                             |
|------------------|-------------------------------------------------------------|
| Ex.P44           | Copy of judgment/award dated 27.3.2015 passed by this court |
| Ex.P45           | Copy of notification dated 9 <sup>th</sup> April, 2002      |
| Ex.P46           | Copy of notification dated 14.8.2002                        |
| Ex.P47           | Copy of notification dated 17.05.2002                       |
| Ex.P48           | Copy of notification dated 13.5.2003                        |
| Ex.P49           | Copy of notification dated 27.11.2002                       |
| Ex.P50           | Copy of notification dated 14.11.2003                       |
| Ex.P51           | Copy of chart sheet auction dt. 30.8.2000                   |
| Ex.P52           | Copy of chart sheet auction dt. 8.5.2009                    |
| Ex.P53 to Ex.P60 | Copies of auction proceedings                               |
| Ex.P61 to Ex.P65 | Copies of sale deeds                                        |

|        |                                                                                                                |
|--------|----------------------------------------------------------------------------------------------------------------|
| Ex.P66 | Copy of award dated 2.6.2010                                                                                   |
| Ex.P67 | Copy of award/judgment dated 3.5.1994                                                                          |
| Ex.P68 | Copy of notification dated 13.3.1981                                                                           |
| Ex.P69 | Copy of notification dated 21.11.1983                                                                          |
| Ex.P70 | Copy of order of Hon'ble Supreme Court in civil appeal no.7657 of 2012                                         |
| Mark 1 | Copy of order passed by Hon'ble High Court in amended writ petition no.1330 of 1984                            |
| Mark 2 | Copy of order passed by Supreme Court in Civil appeal no.6256 of 2009                                          |
| Mark 3 | Copy of order dated 22.10.2014 passed by Sh.R.S.Verma, Addl. DC under sub section 3-G of National Highway Act. |

2.8 The HSIIDC did not produce any evidence.

### 3. Discussion and Analysis

3.1 On a careful analysis of the impugned judgment, it is evident that the RC, after discussing the various sale deeds, found that none of the sale deeds except Ex.P61 (sale deed no. 3530 dated 06.01.1995 with respect to 22.22 square yards of plot located on the Bajida Road) is relevant for assessing the market value of the acquired land measuring more than 25 acres. The court held that the sale deeds Ex. P19, P20, P21, P22, P23, P24, P25, P26, P27, P28, P29 and P65 are post the date of notification under Section 4, whereas, the remaining sale instances show that they are either with regard to plots abutting the National Highway or located at a sufficient distance from the acquired land. The RC, while relying upon Ex.P61, escalated the market value by calculating cumulative annual increase @12 % and came to the conclusion that the price of the plot sold through it, at the relevant time, was Rs.1193.72 per square yard. Thereafter, the court applied deduction

of 1/3<sup>rd</sup> on the aforesaid amount and held that the landowners are entitled to Rs.795.82 per square yard. The RC has refused to rely upon the assessment made by the Court in various awards/judgments produced by the landowners. The RC has also refused to take into consideration the sale deeds Ex.D1 to D5 produced by the HSIIDC on the ground that these sale deeds pertain to the area outside the municipal limits of Karnal and these are with respect to parcels of land, which are located at a distance of 25 acres from the acquired land. While refusing to rely upon the chant report prepared by the Patwari of the area in which he has assessed the market value on the basis of the mutations of the sale deeds for the period 07.04.2001 to 06.04.2002, the court held that the market value of the acquired land cannot be assessed on that basis.

3.2 Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook alongwith the requisitioned record.

3.3 On the one hand, learned counsel representing the landowners have claimed that the amount assessed by the RC is required to be enhanced by calculating cumulative increase at the rate of minimum 15% per annum from 06.01.1995 and moreover, the development cut applied to the extent of 1/3<sup>rd</sup> is excessive. In the alternative, it has been submitted that sale deed no. 3151 and 3152 dated 17.07.2001 (Ex.P16 and Ex.P17) are with respect to a sufficiently large plot measuring 374 square yards each. It is submitted that the distance between the acquired land and the parcel of land covered by the aforementioned sale deeds is 280 metres and therefore, these are the most

appropriate sale exemplars which can be relied upon to assess the market value.

3.4 Per contra, learned counsel representing the HSIIDC has contended, while referring to sale deed Ex.D1 to D5, that the average market value of the acquired land is much less than the amount offered by the LAC. Hence, it is prayed that the appeals filed by the HSIIDC should be allowed.

3.5 At this stage, it is considered appropriate to produce a tabulated compilation of the relevant particulars of the sale deeds produced by both the parties, which is as under:-

Sale exemplars produced by the landowners

| Sr. No. | Exhibits          | Sale deed No. | Date       | Total Area                    | Sale consideration Rs. | Price per acre Rs. | Village           |
|---------|-------------------|---------------|------------|-------------------------------|------------------------|--------------------|-------------------|
| 1.      | Ex.P14            | 711           | 13.05.1991 | 37B-8B                        | 56,10,000/-            | 7,20,002/-         | Kambopura         |
| 2.      | Ex.P15            | 2076          | 15.6.2000  | 20 sq.yards                   | 60,000/-               | 1,45,20,000/-      | Motinagar, Karnal |
| 3.      | Ex.P16/<br>Ex.P63 | 3151          | 17.07.2001 | 374 sq.yards                  | 2,00,000/-             | 25,88,235/-        | Karnal            |
| 4.      | Ex.P17/<br>Ex.P64 | 3152          | 17.07.2001 | 374 sq.yards                  | 2,00,000/-             | 25,88,235/-        | Karnal            |
| 5.      | Ex.P18            | 1926          | 28.05.2002 | 33 sq.yards                   | 50,000/-               | 73,33,333/-        | Karnal            |
| 6.      | Ex.P19            | 2176          | 14.07.2003 | 413 sq.yards                  | 4,00,000/-             | 46,87,651/-        | Karnal            |
| 7.      | Ex.P20            | 8739          | 18.3.2004  | 7Bigha-<br>8Biswa             | 51,80,000/-            | 33,59,998/-        | Karnal            |
| 8.      | Ex.P21            | 13572         | 28.3.2005  | 53.77 sq.yard                 | 4,00,000/-             | 3,60,05,207/-      | Karnal            |
| 9.      | Ex.P22            | 154           | 5.4.2005   | 67B-02B                       | 4,99,54,166/-          | 35,73,484/-        | Karnal            |
| 10.     | Ex.P23            | 423           | 11.4.2005  | 44B-19B                       | 3,55,85,416/-          | 38,00,007/-        | Karnal            |
| 11.     | Ex.P24            | 13084         | 16.02.2006 | 3 Acre, 3<br>kanal<br>9 marla | 5,52,43,125/-          | 1,61,00,000/-      | Balri             |
| 12.     | Ex.P25            | 2254          | 17.05.2006 | 14B-17B                       | 2,61,32,290/-          | 84,46,795/-        | Karnal            |
| 13.     | Ex.P26            | 2754          | 01.06.2006 | 9B-14B                        | 1,33,37,500/-          | 65,99,989/-        | Karnal            |
| 14.     | Ex.P27            | 2755          | 01.06.2006 | 25B-14B                       | 3,53,37,500            | 66,00,009/-        | Karnal            |

|     |        |      |            |                            |               |             |               |
|-----|--------|------|------------|----------------------------|---------------|-------------|---------------|
| 15. | Ex.P28 | 7729 | 14.12.2006 | 16B-9B                     | 2,74,16,666/- | 80,00,040/- | Karnal        |
| 16. | Ex.P29 | 6576 | 26.03.2003 | 655sq. yards               | 7,00,000/-    | 5,17,252/-  | Karnal        |
| 17. | Ex.P38 | 4326 | 29.10.1999 | 775.9 sq.yards             | 3,65,000/-    | 22,76,840/- | Karnal        |
| 18. | Ex.P61 | 3530 | 06.01.1995 | 22.22 sq.yards             | 12,000/-      | 26,13,861/- | Karnal        |
| 19. | Ex.P62 | 4893 | 09.10.2000 | 8 Biswa                    | 2,30,000/-    | 27,59,818/- | Karnal        |
| 20. | Ex.P65 | 2201 | 15.06.2007 | 6 Acre, 4 kanal<br>8 marla | 4,84,70,000   | 74,00,000/- | Bajida Jattan |

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Sale exemplars produced by the HSIIDC

| Sr. No. | Exhibits | Sale deed No. | Dated      | Area    | Sale consideration Rs. | Price per Acre Rs. | Village |
|---------|----------|---------------|------------|---------|------------------------|--------------------|---------|
| 1.      | Ex.D-1   | 3059          | 12.07.2001 | 5B-17B  | 4,27,000/-             | 3,50,357/-         | Karnal  |
| 2.      | Ex.D-2   | 2154          | 12.06.2001 | 40B-17B | 29,24,000/-            | 3,43,580/-         | Karnal  |
| 3.      | Ex.D-3   | 3058          | 12.07.2001 | 5B-18B  | 4,31,000/-             | 3,50,642/-         | Karnal  |
| 4.      | Ex.D-4   | 3899          | 17.08.2001 | 24B-16B | 18,10,000/-            | 3,50,323/-         | Karnal  |
| 5.      | Ex.D-5   | 7436          | 19.12.2001 | 24B-19B | 19,00,000/-            | 3,65,544/-         | Karnal  |

3.6 Before proceeding further, it is necessary to examine the location of the acquired land. It may be noted here that various layout plans have been produced in evidence. However, Ex.PW8/B is the most elaborate layout plan. It is evident that the acquired land is in the form of isolated small parcels of land located in the Industrial Area, Sector 3, Karnal. The land was acquired vide preliminary notification dated 13.03.1981 under Section 4 of the 1894 Act for developing Sector 3, Karnal. In fact, the entire acquired land is in small parcels of land which forms a part of different clusters of land. Efforts to acquire the land on the National Highway No.1 (which has now been renumbered as National Highway no.44) have failed as the proceedings for acquisition of the land on the GT road have been quashed on the ground that there

has been some construction. However, a small strip of land on the GT road has still been acquired. Immediately near the GT road is Sector 3, Industrial Area, Karnal. This cluster of land acquired vide notification dated 27.11.2002 is located in Sector 3, Industrial Area, Karnal. Moreover, the State Government, on the request of the HSIIDC, has already notified the land for the development of Sector 3A, Industrial Area, vide preliminary notification dated 17.05.2002. In other words, the notification, in the present case, was issued after Sector 3A has already been proposed to be developed. If we analyze the location of the acquired land, it is evident that on the Northern side of the acquired land, the residential area of Sector 16, Haryana Urban Development Authority, is situated, whereas, on the Southern side of the acquired land, there is a grain market and a vegetable market. Further, on the Eastern side, there is a National Highway, whereas, on the Western side, acquisition for development of Sector 3A has already been issued vide notification dated 17.05.2002. The total acquisition is for more than 25 acres of land out of which acquisition proceedings with respect to some portion of the acquired land have already been quashed.

3.7 On a careful perusal of Ex.PW8/B, it is evident that the location of the acquired land viz-a-viz the different parcels of land represented by sale exemplars has been identified. The RC has committed an error in relying upon sale deed Ex.P61 bearing sale deed no.3530 with respect to 22.22 square yard of land, which is located on Bajida Road. It may be noted here that a sector road which is stated to be 30 metres wide originates from NH-44 and moves towards the

Western side. After some distance, a four legged intersection is formed by Sector road and Bajida Road. Ex.P61 bearing sale deed no.3530 is a small parcel of a commercial plot for a shop situated on Bajida Road. It may be noted here that the RC has committed a material error in relying upon sale deed bearing no. 3530 (Ex.P61), dated 06.01.1995 which is with respect to 22.22 square yards of land. The RC has further erred in escalating the price by granting cumulative annual increase at the rate of 12% for a period of nearly 7 years. Once the comparable sale exemplars of contemporaneous period (Ex.P16 and P17) were available, the Court should not have resorted to assumptions, thereby, increasing the price for a period of 7 years, particularly, when the aforesaid sale exemplar is neither comparable nor of the contemporaneous period.

3.8 The RC is correct in observing that the sale deeds post the date of notification under Section 4 of the 1894 Act as well as the parcels of land represented by sale deeds bearing no. 711, 269, 1694 and 2076 which are located far away from the acquired land are not comparable. However, the RC has erred in over-looking the sale deeds bearing no.3151 (P-16) and 3152 (P-17) dated 17.07.2001 with respect to 374 square yards of land each. From a perusal of the aforesaid sale deeds, it is evident that these parcels of land are not abutting the National Highway (GT Road). Both these sale deeds are with respect to the land comprised in khasra no. 3994, whereas, the land acquired vide notification under Section 4 of the 1894 Act, is comprised in khasra no.3989, 4000 and 4001. Further, on a careful study of the aforementioned sale exemplar Ex.P16 and P17, it is evident that there is a

covered area of 150 feet of D class category which, in the considered view of the Court, could not be of much value particularly when the construction was on D class category of land and that also on a very small portion thereof. It appears that there was only one temporary room constructed over the aforesaid two plots. The sale deeds ExP16 and P17 are with respect to the period one year and four months prior to the date of notification under Section 4 of the 1894 Act i.e 27.11.2002. These plots have been sold @ Rs.535/- per square yard. Keeping in view the location of the property, it is considered appropriate to calculate increase for a period of 16 months at the rate of 12% per annum. Accordingly, the price of the acquired land is assessed at the rate of 1% per month which is 16% for a period of 16 months. Thus, the price would come to Rs.620.6 per square yard. After applying 1/3<sup>rd</sup> cut on account of smallness of the plots, the market value of the acquired land comes to Rs.413.69 per square yard, which works out to Rs.20,02,260/- per acre as one acre of land has 4840 square yards.

3.9 Besides the sale deeds, the landowners have produced the Collector's rates with respect to the year 2002-2003, 2003-04, 2008-09. These are not relevant for assessing the market value of the acquired land in view of the recent judgment in **Bharat Sanchar Nigam Limited vs. Damodardas 2002 (SCC Online) SC 815**

3.10 The landowners have also relied upon the various awards of the RC assessing the market value of different parcels of acquired land, from time to time. Ex.P30 is RC's award assessing the market value as on 11<sup>th</sup> May, 1997, for acquiring land to develop Sector 7, Karnal, at the

rate of Rs.485.20 per square yard. Similarly, Ex.P7 is RC's award assessing the market value of the acquired land as on 09.03.1993 in respect of acquisition of land for developing the New Anaj Mandi, at the rate of Rs.180/- per square yard. Ex.P32 is again RC's award assessing the market value as on 10.04.1989, acquired for extension of New Grain Market, at the rate of Rs.147.68 per square yard. Ex.P33 is the copy of judgment passed by a Division Bench assessing the market value of the acquired land as on 05.03.1993 for extension of New Grain Market at the rate of Rs.180/- per square yard. Ex.P34 is, again a Division Bench's judgment assessing the market value as on 08.02.1989 at Rs.147.68 per square yard with respect to acquisition of land for development of residential and commercial Sector 4 and 5, Karnal. Ex.P35 is, again, RC's award assessing the market value as on 02.01.2002 at the rate of Rs.439/- per square yard with respect to acquisition of land in Village Phusgarh for developing residential and commercial sectors 32 and 33. Ex.P38 is an order passed by the Collector determining the amount of stamp duty. Ex.P40 is again a Division Bench judgment assessing the market value at the rate of Rs.82/- per square yard while relying upon the judgment passed in '**Hari Singh vs. State of Haryana**' LPA-866-2000 decided on 16.09.2008 with respect to acquisition of land vide preliminary notification dated 22.02.1984 for developing Sector 16, Karnal. Ex.P41 is, again, a judgment passed by the Division Bench relying upon **Hari Singh's case (supra)**. Ex.P42 is assessment of the market value by the High Court at the rate of Rs.22/- per square yard with respect to acquisition of land for developing Sector 13, Karnal

acquired vide preliminary notification dated 02.05.1973. Ex.P44 is RC's award with respect to land acquired for extension of Industrial Estate vide preliminary notification under Section 4 dated 17.05.2002 wherein the market value was assessed at Rs.533/- per square yard. The aforesaid judgment has been set aside by this Court in RFA-3500-2015 titled as '**Sham Bihari (since deceased) through his Lrs vs. State of Haryana and others**' dated 17.10.2022.

3.11 Ex.P66 is, again, RC's award assessing the market value as on 28.02.2003 at the rate of Rs.15,000/- per square yard for developing commercial Sector 12, Karnal. Ex.P70 is an order passed by the Supreme Court assessing the market value of the acquired land vide notifications dated 04.06.1980, 13.03.1981, 22.06.1992, 05.07.1992 and 10.02.1982. With respect to the acquired land vide notification dated 04.06.1989, the market value has been assessed at Rs.58.45 per square yard, whereas, with respect to the land acquired vide preliminary notification dated 13.03.1981, the market value has been assessed at the rate of Rs.66.21 per square yard. With respect to notifications dated 22.06.1992, 05.07.1982 and 10.02.1982 the market value has been assessed at the rate of Rs.76.21 per square yard, in the aforesaid order. It is evident that the landowners have not produced any reliable evidence to prove the comparative location of the land acquired through various awards/judgments of the High Court or the Supreme Court mentioned hereinbefore with the acquired land in the present case. Hence, the RC has, correctly, ignored the aforesaid awards/judgments.

3.12 With respect to the remaining sale deeds of the landowners, not discussed herein before, the correctness of the findings arrived at by the RC is not disputed. Hence, no deliberation is required.

3.13 Now, let us shift our focus to the sale deeds produced by the HSIIDC. As far as the sale deeds Ex.D1 to D5 produced by the HSIIDC are concerned, it may be noted here that no evidence/layout plan to prove the comparative location of the various parcels of land represented by the said sale deeds with the acquired land has been produced by the HSIIDC to convince the court to consider the aforesaid sale deeds. In the absence of such evidence, the court expresses its inability to assess the market value of the acquired land on the basis of sale deeds Ex.D1 to D5. The HSIIDC has produced a chant report which is a summary of mutations of the sale deeds prepared by Patwari. This is not in the nature of direct evidence. The sale deeds referred to in the chant report have not been produced. Hence, they have been correctly ignored by the RC.

3.14 As per the information supplied by the learned counsel representing the HSIIDC, on instructions from the Patwari of the area, one bigha of land consist of 1008.33 square yards. The correctness of the aforesaid information has not been disputed by the learned counsel representing the landowners.

3.15 It may be noted here that this Court is conscious of the fact that with respect to the acquisition of land, in the area, vide preliminary notification dated 11.07.2006, the amount assessed by the Court is on the lower side. However, it is significant to note here that the aforesaid

parcel of land is located at a significant distance from the National Highway. In fact, on a careful perusal of the various layout plans, it is evident that the land acquired vide notification dated 11.07.2006 for development of proposed industrial sector is located across the Bajida Road i.e on the Western side of the Bajida Road. In between, there is a Bajida Road and then, there is a strip of land for extension of Sector 3A, Karnal and thereafter, the acquired land is located. Moreover, the land which is the subject matter of acquisition in the present case, is not an agricultural land, whereas, the land acquired vide notification dated 11.07.2006 is, predominantly, an agricultural land except for a small strip of land which lies on Bajida Road.

**4. Decision:-**

4.1 In view of aforesaid discussion, the market value of the acquired land vide preliminary notification under Section 4 of the 1894 Act dated 27.11.2002 is assessed @ Rs.413.69 per square yard. In other words, it is assessed @ Rs.20,02,260/- per acre, as one acre consists of 4840 sq. yards. Keeping in view the modification in the RC's award, the appeals filed by the HSIIDC are disposed of, whereas, that of the landowners are dismissed.

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

17.10.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

**(ANIL KSHETARPAL)**  
**JUDGE**

| Sr. No. | Case No.      | Parties details                                                          |
|---------|---------------|--------------------------------------------------------------------------|
| 1.      | RFA-2513-2016 | SATPAL SINGH (DECEASED) THROUGH LRS & ORS Vs STATE OF HARYANA AND ORS    |
| 2.      | RFA-1667-2016 | SH. TIKKA RAM (DECEASED) THROUGH LRS Vs STATE OF HARYANA AND ORS         |
| 3.      | RFA-1666-2016 | SUSHILA DEVI Vs STATE OF HARYANA AND ORS.                                |
| 4.      | RFA-2654-2016 | ANITA SINGH THR HER GPA Vs STATE OF HARYANA & ORS                        |
| 5.      | RFA-2854-2016 | SMT. OMPATI Vs STATE OF HARYANA & OTHERS                                 |
| 6.      | RFA-4516-2016 | BALWINDER SINGH AND ANR Vs STATE OF HARYANA AND ORS                      |
| 7.      | RFA-1068-2017 | RAJESH KUMAR (DECEASED) THRO LRS Vs STATE OF HARYANA & ORS               |
| 8.      | RFA-3623-2017 | SMT. SHAKUNTLA DEVI AND ORS Vs STATE OF HARYANA AND ORS                  |
| 9.      | RFA-3624-2017 | DHANWANTI DEVI Vs STATE OF HARYANA AND ORS                               |
| 10.     | RFA-2205-2017 | HSIDC NOW HSIIDC LTD Vs TIKA RAM (DECEASED) THROUGH LRS & OTHERS         |
| 11.     | RFA-2207-2017 | HSIDC NOW HSIIDC LTD Vs SMT.SHAKUNTLA DEVI & ORS                         |
| 12.     | RFA-2209-2017 | HSIDC NOW HSIIDC LTD & OTHERS Vs VARINDER SINGH                          |
| 13.     | RFA-2214-2017 | HSIDC NOW HSIIDC LTD & OTHERS Vs SMT.OMPATI                              |
| 14.     | RFA-2216-2017 | HSIDC NOW HSIIDC LTD Vs BALWINDER SINGH AND ORS                          |
| 15.     | RFA-2204-2017 | HSIDC NOW HSIIDC LTD Vs SATPAL SINGH SINCE DECEASED THROUGH LRS & OTHERS |
| 16.     | RFA-2213-2017 | HSIDC NOW HSIIDC LTD Vs SMT.ANITA SINGH                                  |
| 17.     | RFA-1668-2016 | VARINDER SINGH VS STATE OF HARYANA AND ORS                               |
| 18.     | RFA-2211-2017 | HSIDC NOW HSIIDC LTD Vs SUSHILA DEVI AND ORS.                            |

17.10.2022  
rekha

(ANIL KSHETARPAL)  
JUDGE