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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA-6193-2015(O&M)
Date of decision: 17.02.2022

SANT RAM AND ANR. **..Appellants**

Versus

STATE OF HARYANA AND ORS. **..Respondents**

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Aashish Chopra, Sr. Advocate
with Ms. Gurpreet Randhawa, Advocate

Mr. Rakesh Nehra, Sr. Advocate
with Mr. Pankaj Kaushik, Advocate

Mr. S.P. Chahar, Advocate
Mr. Nitin Jain, Advocate
Mr. Aditya Jain, Advocate
Mr. Sandeep Singal, Advocate
Mr. Sandeep K. Sharma, Advocate
Ms. Anita Balyan, Advocate
Mr. Viresh Dahiya, Advocate
Mr. Deepak Girotra, Advocate
Mr. Govind Chauhan, Advocate
Mr. N.C. Kinra, Advocate
Mr. Harsh Kinra, Advocate
Mr. Pardeep Singh Poonia, Advocate
Mr. Prateek Gupta, Advocate
Mr. Ram Kumar Saini, Advocate
Mr. S.P. Khatri, Advocate
Mr. Ashwani Bakshi, Advocate
Mr. M.S. Rana, Advocate
Mr. M.S. Khillan, Advocate
Mr. Ravinder Malik, Advocate
Mr. Y.P. Malik, Advocate
Mr. Sudhir Hooda, Advocate
Mr. S.R. Hooda, Advocate
Mr. N.K. Malhotra, Advocate
Mr. Vivek Khatri, Advocate
Mr. Kamal Mor, Advocate
Mr. Saurabh Dalal, Advocate
for the landowners.

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

ANIL KSHETARPAL, J.

1. INTRODUCTION

1.1 This batch of Regular First Appeals (details whereof are at the foot of the judgment) has been filed under Section 54 of the Land Acquisition Act, 1894 (hereinafter referred to as "the 1894 Act"), assailing the correctness of the various awards passed on 29.05.2015, 07.05.2018 and 16.03.2019 by the Reference Court (hereinafter referred to as "RC"). The Notification under Section 4, 6 and the award passed by the Land Acquisition Collector (hereinafter referred to as "LAC") are common. The RC has assessed the same amount of compensation for compulsory acquisition of the land by three different awards as noted above. 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 develop Sector 31 (the residential and the institutional Sector), the State of Haryana, on 15.12.2006, issued a Notification under Section 4 of the 1894 Act, with respect to the land measuring 402.41 acres, whereas, ultimately only 196.71 acres of land was acquired.

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, and, area of the land.	15.12.2006, Area-402.41 acre.
2.	Date of declaration under Section 6 of the 1894 Act, and, area of the land.	14.12.2007, Area-228.41 acre

3.	Purpose of Acquisition	Development of Sector 31 for residential purposes for the Public.
4.	Location of the land, village, Tehsil and District.	Village Bohar, Tehsil and District Rohtak, Haryana.
5.	Number and date of the Award of the Land Acquisition Collector.	Award No.40, dated 11.12.2009. The acquired land is comprised in Rectangle Numbers *216, 217, 218, 227, 228, 229, 230, 250, 251, 252, 253, 260, 261 and 262.*
6.	Amount assessed by the LAC.	Rs.20,00,000/- per acre.
7.	Number and date of the judgment of the RC.	LAC Case No.617 of 2010 Date of decision:-29.05.2015 LAC case No.2 of 2017 Date of Decision 07.05.2018 LAC case No.182 of 2018 & LAC case No.194 of 2018 Date of Decision 16.03.2019
8.	Amount assessed by the RC.	Rs.21,84,000/- per acre.
9.	Deduction/cut applied by the RC, if any.	32%

2.3 The landowners have projected that the acquired land is located in an already developed area. It has been asserted that the acquired land not only falls in the National Capital Region but also adjoins Rohtak-Delhi Road. It has further been asserted that in the city of Rohtak, many Universities, Colleges, Radio Station, Industrial Model Township etc. are located. The potential value of the acquired land is very high as the Institutions like MR DAV College, Scholars Rosary Senior Secondary School, Banquet halls, Radha Soami Satsang Ghar and other buildings are located near the acquired land. Baba Mastnath Ayurvedic College, Engineering College, Hospital, Tilyar Lake are also located nearby. The private Real Estate developers namely Omaxe, Suncity and Parsavnath have started developing their colonies and they have offered to purchase the land from the landowners at the rate of Rs.1,50,00,000/- per acre. On the other hand, the State of Haryana has taken a stand that the market value of the acquired land has been assessed by the LAC on the basis of the report of a multi-member high power committee. The Government has also prepared a comprehensive rehabilitation policy/annuity scheme for the benefit of the farmers under which they will be paid annuity for a period of 33 years over and above the usual compensation for the acquired land. The amount of the annuity will be Rs.15,000/- per annum which shall increase by a fix sum of Rs.500/- every year.

2.4 The Reference Court, on examination of 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) Whether the petitioners are estopped from filing the petitions by their own act and conduct? OPR*
>
> *(4) Whether the petitions are barred by limitation? OPR*
>
> *(5) Whether the petitions do not disclose any cause of action? OPR*
>
> *(6) Relief."*

3. EVIDENCE PRODUCED BY THE RESPECTIVE PARTIES:-

3.1 The landowners in order to prove their case, examined PW-1 Satya Dev (record keeper), PW-2 Manoj Kumar, Halqa Patwari, Village Bohar and PW-3 Satish Kumar, one of the landowners. Further, the landowners have produced the following documents to prove their case:-

Ex.P1	*Sale Deed No.11969 dated 20.01.2006*
Ex.P2	*Sale Deed No.12987 dated 14.02.2006*
Ex.P3	*Sale Deed No.11230 dated 02.01.2006*
Ex.P4	*Sale Deed No.10439 dated 19.12.2005*
Ex.P5	*Sale Deed No.12945 dated 10.02.2006*
Ex.P6	*Sale Deed No.12883 dated 10.02.2006*
Ex.P7	*Sale Deed No.11435 dated 09.01.2006*
Ex.P8	*Sale Deed No.8192 dated 26.10.2005*
Ex.P9	*Sale Deed No.12882 dated 10.02.2006*
Ex.P10	*Sale Deed No.13006 dated 14.02.2006*
Ex.P11	*Aks-Shizra*
Ex.P12	*Mutation No.9828*
Ex.P13	*Mutation no.9330*
Ex.P14	*Sale Deed No.5095 dated 07.09.2006*
Ex.P15	*Sale Deed No.3984 dated 03.08.2006*

3.2 On the other hand, the State of Haryana, has examined RW-1 Ram Niwas, Kanungo, posted in the Office of the Land Acquisition Officer, Rohtak, and produced the following documents:-

Ex.R1	*Notification dated 15.12.2006 under Section 4 of the Land Acquisition Act, 1894.*
Ex.R2	*Notification dated 14.12.2007 under Section 6 of the Land Acquisition Act, 1894.*
Ex.R3	*Award No.40 dated 11.12.2009*
Ex.R4	*Minutes of Meeting of Divisional Level Committee,held under the chairmanship of the Commissioner.*
Ex.R5	*Oustees Scheme*
Ex.R6	*Sale Deed No.1359 dated 07.05.2007*
Ex.R7	*Sale Deed No.1435 dated 08.05.2007*
Ex.R8	*Sale Deed No.1720 dated 15.05.2007*
Ex.R9	*Sale Deed No.3681 dated 04.07.2007*
Ex.R10	*Sale Deed No.7291 dated 31.10.2007*
Ex.R11	*Sale Deed No.9204 dated 07.01.2008*
Ex.R12	*Sale Deed No.9854 dated 05.02.2007*

4. ARGUMENTS ADDRESSED BY THE LEARNED COUNSELS :-

4.1 The various learned counsel representing the landowners have contended that the RC erred while deducting 32% of the average sale price of the various sale deeds produced by the owners. They contend that the sale exemplars produced by the landowners are with respect to reasonable sized plots, therefore, 32% deduction is not appropriate. They further contend that the Reference Court has failed to award escalation for the period of approximately one year between the date of the sale exemplars and the date of notification under Section 4 of the 1894 Act.

4.2 Per contra, the learned State counsel has submitted that the Reference Court has applied a cut of 32% in order to moderate the difference in the price of small plots and the big chunk of land. He further contends that the RC has wrongly ignored the sale exemplars produced by the State reflecting a price less than the amount assessed by the LAC. While criticizing the judgment of the RC, he has further contended that the RC has erred in drawing an inference, without any basis, that the sale deeds exemplars R-6 to R-13 are not only undervalued but are distressed sales.

4.3 The learned counsel representing the State of Haryana contends that the market value cannot be assessed without applying appropriate deduction charges. She relies upon the judgments passed in ***Ram Kanwar and others Vs. State of Haryana 2014 SCC Online SC 1699*** and ***Kasturi Vs. State of Haryana 2003(1) SCC 354***. The learned counsel has contended that in ***Regular First Appeal No.3000 of 2016***, titled as ***"Jai Singh vs. State of Haryana and other", decided on 15.11.2021***, this Bench has not considered the aforesaid judgments of the Supreme Court of India. The learned counsel while referring to the expression "without making necessary deductions" has contended that the Court is debarred from assessing the market value without applying appropriate deduction.

5. <u>DISCUSSION BY THIS COURT</u>

5.1 Heard the learned counsel representing the parties and with their able assistance carefully examined the reasoning given by the Reference Court along with the record which was requisitioned. The learned counsel representing the respective parties have filed synopsis along with the gist of their arguments.

5.2 <u>EVALUATION OF THE EVIDENCE:-</u>

5.2.1 At this stage, it is appropriate to notice the meaning of various words/phrases/expressions used while referring to the size of a unit of an agricultural land prevalent in the State of Haryana:-

1 Rectangle	=	5 X 5 = 25 Acre (Rectangular shape)
1 Acre (Rectangular shape)	=	160 Marlas
8 Kanal	=	1 Acre
1 Kanal	=	20 Marlas
1 Acre	=	4840 Sq. Yards
1 Marla	=	30.25 Sq. Yards
1 Inch	=	2.54 cm
1 Foot	=	12 Inch
1 Sq. Feet	=	12 X 12 = 144 Inch
1 Yard	=	3 Feet
1 Sq. Yard	=	9 Sq. Feet
100 Sq. Yards	=	900 Sq. Feet
1 Kanal	=	0.125 Acre
1 Marla	=	0.00625001 Acre
//	=	Rectangle
/	=	Killa/acre/khasra number

5.2.2 In order to arrive at a correct conclusion, it would be appropriate to take a note of the various sale deed exemplars produced by both the parties in support of their respective stands. The information has been compiled in a tabulated information manner for clear and cogent description:-

TABLE-A

Sale deed produced by the appellant/landowners

Ex. No.	*Registry No.*	*Date*	*Area in K-M*	*Amount (in Rs.)*	*Rate Per Acre (in Rs.)*
P-1	*11969*	*20.01.2006*	*6K-18M*	*26,73,750*	*31,00,000*
P-2	*12987*	*14.02.2006*	*17K-13M*	*68,94,532*	*31,25,000*
P-3	*12230*	*02.01.2006*	*28K-8M*	*10,650,000*	*30,00,000*
P-4	*10439*	*19.12.2005*	*2K-2M*	*7,74,375*	*29,50,000*
P-5	*12945*	*10.02.2006*	*7K-12M*	*29,45,000*	*31,00,000*
P-6	*12883*	*10.02.2006*	*8K-0M*	*31,00,000*	*31,00,000*
P-7	*11435*	*09.01.2006*	*23K-12M*	*88,50,000*	*30,00,000*
P-8	*8192*	*26.10.2005*	*71K-4M*	*2,62,55,000*	*29,50,000*
P-9	*12882*	*10.02.2006*	*11K-16M*	*45,72,500*	*31,00,000*
P-10	*13006*	*14.02.2006*	*32K-0M*	*1,36,00,000*	*34,00,000*
P-14	*5095*	*07.09.2006*	*31K-14M*	*1,64,44,375*	*41,50,000*
P-15	*3984*	*03.08.2006*	*8K-0M*	*43,00,000*	*43,00,000*

TABLE-B

Sale deed produced by respondent/State

Ex. No.	*Village*	*Registry No.*	*Date*	*Area in K-M*	*Amount (in Rs.)*	*Rate Per Acre (in Rs.)*
R-6	*BOHAR*	*1359*	*07.05.2007*	*1K-0M*	*2,25,000*	*18,00,000*
R-7	*BOHAR*	*1435*	*08.05.2007*	*3K-19M*	*8,89,000*	*18,00,506*
R-8	*BOHAR*	*1720*	*15.05.2007*	*1K-8M*	*3,15,000*	*18,00,000*
R-9	*BOHAR*	*3681*	*04.07.2007*	*2K-0M*	*4,50,000*	*18,00,000*
R-10	*BOHAR*	*7291*	*31.10.2007*	*3K-18M*	*8,77,500*	*18,00,000*
R-11	*BOHAR*	*9204*	*07.01.2008*	*1K-16M*	*4,05,000*	*18,00,000*
R-12	*BOHAR*	*9854*	*05.02.2007*	*1K-1M*	*60,000*	*4,57,143*
R-13	*BOHAR*	*10815*	*22.02.2008*	*2K-0M*	*4,50,000*	*18,00,000*

5.2.3 Before this Bench proceed further, it will be appropriate to note that the landowners have produced a layout plan Ex.P-11 prepared by the Patwari of the Area, which is based on the revenue layout plan (Aksh-

Shizra). A careful study of the award passed by the LAC proves that the acquired land is comprised of rectangle Numbers ***216, 217, 218, 227, 228, 229, 230, 250, 251, 252, 253, 260, 261 and 262***. The acquired land includes the land comprised in rectangle No.227 which is located towards its Eastern side. Thereafter, the land comprised in rectangle No.226 begins which is located towards the Eastern side of acquired land comprised in rectangle No.227. In other words, the land comprised in Rectangle number 226 abuts the acquired land. Towards the Northern side of rectangle No.227, the land comprised in rectangle No.218 is located. When one further goes towards further the Eastern side, then, there lies a parcel of land comprised in rectangle No.229. Thereafter, there is a road from Bohar to Baliyana which passes from North-Western direction to the South-Eastern direction. The aforesaid road is approximately at a distance of 5 to 6 acres from the North-Eastern corner of the acquired land. The land comprised in rectangle No.226, 218 and 219 are located in-between the road and the acquired land. It is also evident that the landowners have produced various sale deeds of the land comprised in rectangle No.219, 226 and 218. The sale exemplar Ex.P-8 is with respect to a land measuring 71 Kanal 4 Marlas, which is nearly 9 acres of land. This parcel of land abuts the acquired land from the Eastern side. Similarly, sale exemplar Ex.P-9 adjoins the acquired land towards the Northern side. The sale exemplar Ex.P-4 is also located next to the acquired land.

5.2.4 The Reference Court has also erred in taking out the average of the price of sale exemplars Ex.P-1 to P-10 and P-14, without examining the geographical location of the various parcels of the land covered by the aforesaid sale exemplars. As already noted, the parcel of land covered by the sale exemplar P-10 and P-14 are located at a distance, therefore, they are not comparable. The sale exemplars Ex. P-3, P-4, P-8 and P-9 are found comparable sale exemplars relevant for the assessment of the market value of the acquired land. The sale exemplar Ex. P-9 (dated 10-02-2006) is with respect to the sale of a sufficiently huge sized plot which has been sold at the rate of Rs. 31,00,000/- per acre. The crucial date for determination of the compensation is 15.12.2006. There is a difference of a period of 10 months. As already noticed, the various Real Estate development companies had already started purchasing the land in the area before the date of notification under Section 4 of the 1894 Act. Therefore, it will be safe to assume that the prices of the land, consistently, increase at the rate of 9% per annum. Hence, for a period of 10 months, the prices are expected to escalate by 7.5%.

5.2.5 It is also evident that all the sale exemplars produced by the State of Haryana are subsequent to the date of notification under Section 4 of the 1894 Act. No doubt, the sale exemplar Ex.R-12 is with respect to the land comprised in rectangle No.227, Khasra No.2/1, however, the aforesaid land is the subject matter of the said acquisition. The sale deed has been executed and registered after a period of nearly two months from the date of notification under Section 4 of the 1894 Act. A small plot of 1 Kanal and 1 Marla has been sold. On a careful reading of the aforesaid sale deed, it is evident that only symbolic possession of the land was handed over to the purchaser. Furthermore, on a careful study of the layout plan of Sector 31 (Ex. R-14), it is evident that the aforesaid small parcel of land comes within the land reserved for service road and the green-belt planned to be developed in-between Sector 33 and Sector 31. Along with a 60 meter wide road, a service road on the one side and green-belts on both the sides of the road have been planned to be developed in the future. Hence, the sale deeds produced by the State cannot be relied upon to assess the market value of the acquired land. In the considered view of the Court, viewing the overwhelming evidence with regard to the price of the property in the nearby area, a stray sale deed Ex.R-12 produced by the State is liable to be ignored.

5.2.6 No doubt, the learned counsel representing the State of Haryana is correct in contending that the Reference Court has erred in ignoring the sale exemplars Ex.R-6 to R-13, on the ground that the price depicted is less than the market value assessed by the LAC. Section 25 of the 1894 Act only debars the RC from assessing market value of acquired land which is less than the amount assessed by the LAC. However, there is no prohibition in taking into consideration the sale deeds produced in the evidence in order to arrive at an accurate conclusion. This issue is no longer *res-integra*. In ***Lal Chand vs Union of India and another (2009)15 SCC 769***, the Court, after elaborately discussing Section 25, has expounded that such sale exemplar cannot be kept out of consideration. The learned State counsel is also correct in contending that the Reference Court has erred in drawing an inference that the sale exemplars Ex.R-6 to R-13 are undervalued or relate to distress sales. The learned State counsel is correct in contending that in the absence of material evidence, the RC was not justified in making such an observation.

5.2.7 However, that in itself does not help the case for the State of Haryana because the sale exemplars Ex.R-6 to R-13 are not only subsequent to the date of notification under Section 4 of the 1894 Act but are also with respect to the parcels of land (except one which has been referred to above) which are located at a significant distance from the acquired land. Therefore, these sale exemplars are not comparable to the acquired land to assess the market value of the acquired land.

5.2.8 It is also evident that the colonizers and developers had started purchasing the property in the area in order to create a land bank to enable them to develop a colony. All the sale deeds produced by the landowners are with respect to purchase of the land by the various Real Estate Developer companies. On an average, the land has been purchased at the price ranging from Rs.29,50,000/- to Rs.31,00,000/-. The various parcels of land covered by sale exemplar Ex.P-10, P-14, P-15, are at a distance. No evidence has been produced to prove the comparable location of the land covered by the sale deeds (Ex. P-10, P-14and P-15) viz-a-viz the acquired land.

5.3 ***DISCUSSION ON THE CASE LAWS RELIED UPON BY THE LEARNED COUNSELS:-***

5.3.1 This Court has carefully and respectfully read the judgments relied upon by the State's counsel. In ***Ram Kanwar's case (Supra)***, the Supreme Court while upholding the order of the High Court noticed that there was an abnormal increase of more than 100% within a period of less than four months. In that context, the Court observed that such a sale deed could not be relied upon without making the necessary deductions to assess the market value at par with the estimated market value of the acquired land. In the respectful opinion of the Court, such observations do not mean that in each and every case, the deduction/cut is mandatory. This Bench has also carefully read the judgment passed in ***Kasturi (Supra)*** in which the land was acquired to develop Sectors 13 and 23 at Bhiwani. The High Court relied upon the sale instance (Ex. P-7) with respect to land measuring 3 Kanal located on the main road which is claimed to be have the potential to be used for commercial purposes. The High Court applied a deduction of 20% after finding that the sale instance relied upon is not similar to the acquired land. The Supreme Court, while dismissing the appeal, approved the decision of the High Court. In the considered opinion of the court, the Supreme Court approved the decision of the High Court on the ground that there was a dis-similarity between the parcel of land covered by the sale instance and the acquired land. In the humble opinion of this Court, the aforesaid judgments in ***Ram Kanwar's case (supra)*** and ***Kasturi's case (supra)*** do not, as a ratio decidendi, lay down, that even if the comparable sale exemplars of contemporaneous period have been produced, still, it is necessary to apply some amount of deduction. Deduction is to be applied in a case where the Court finds that there is a dissimilarity between the acquired land and the land sold through the concerned sale exemplar. While deciding ***Regular First Appeal No.3000 of 2016***, titled as ***"Jai Singh vs. State of Haryana and other", decided on 15.11.2021***, this Bench has examined a series of judgments. The relevant discussion is as under:-

> *"7.14 The principle underlined by all these judgments is that while assessing the market value, the court is required to apply the wisdom of a common man and arrive at a figure which a willing seller will get from a voluntary purchaser for the property. Once the market value of the acquired agricultural land is being assessed and many sales exemplars of considerably big sized plots of the agricultural land are available, the application of cut/deduction for development, in the considered opinion of the Court, is not justified unless the court is assessing the market value of a land where the sale exemplars produced before the Court are of relatively small sized plots or are being used for residential, commercial or industrial purposes. The deduction can be applied when comparable sale exemplar is of a plot of a very small size as compared to the acquired land in order to moderate the difference between wholesale and retail prices as observed by the Supreme court in judgment passed in* ***Lal Chand (supra)****. The appropriate percentage of cut can*

also be applied if the sale exemplar is of a plot which was being used or was capable of being used for different purposes like residential, commercial or industrial. The development cut can also be applied when the comparable sale exemplar is of a plot which is located at a key position like near the road, market, developed residential colony or commercial establishments. There can be more than one reasons to apply the development cut. However, if the price is reduced while assessing the market value of the acquired land, without observing the aforesaid principles while making the deduction in the facts and circumstances of the individual cases, it shall be against the statutory intendment. In a case where the court is making an assessment with respect to an undeveloped acquired land as an undeveloped area and the sale exemplar produced for such determination is also of an undeveloped piece of land of reasonable size, then any deduction which is made on account of development work or development cost, in the considered opinion of this Court, shall not be considered appropriate. This can be explained by an example. Hypothetically, if a farmer purchases a sufficiently large chunk of land just before the notification under Section 4. On the acquisition of the land purchased, he is likely to produce the sale exemplar of the land purchased by him. If the court treats the sale exemplar as the base value and thereafter applies a cut or deduction on account of development cut or development cost per se, he shall stand deprived of the market value paid by him while purchasing the land. It would be against the spirit/intention of the Act. While assessing the market value of the undeveloped/agricultural land, the court is not required to work out the market value of the developed land or plot. In such circumstances, the application of development cut in the considered opinion of the court would not be appropriate and justified. The cut/deduction is applied by the courts in order to arrive at a correct figure representing the true market value of the acquired land on the relevant date. This method has been devised by the Courts in order to tide over the situations where exactly comparable sale exemplars of contemporaneous period are not available. The court, while making adjustments or treating the prices of the developed plots of smaller size as the base, endeavours to work out the fair market value of the acquired land.

7.15 This matter can be examined from another angle. The intention of the legislature is not to put the landowners who stand deprived of the land through double whammy. On the one hand, their immovable property is compulsorily taken away, whereas on the other hand, they are not being compensated adequately *due to the deduction towards the development. This cannot be the intention of the legislature. The fundamental intention of the Legislature has always been to make the land laws fair, just and reasonable towards the sufferers of compulsory land acquisition.*

7.16 Once a large chunk of agricultural land is being acquired for carving out a residential/commercial or industrial colony and the sale exemplars of plots of reasonable size of agricultural land are available, then in the considered opinion of this Court, it would not be appropriate to apply a development cut for the purpose of assessment either towards development cost or towards the area to be used for passages, roads, drains, parks etc. The landowner stands in the shoes of a loser even if some part of the acquired land is being used for providing common facilities. The landowner does not gain anything exclusively on account of reservation of land for common facilities. In fact, the landowner suffers a dual loss. On the one hand, he is deprived of the acquired land and on the other hand, he does not receive a fair and appropriate amount towards the involuntary deprivation.

7.17 There is yet another aspect of the matter. The development agency/organization/colonizer or the government do not sell the developed plots on the market value assessed by the court. The plots are sold while determining price on basis of the demand and supply. Usually, the plots are sold on the basis of price determined on per sq. feet or per sq. yard. basis and not on per acre. Therefore, certain percentage of land utilized for carrying out development activities like passages, roads, drains, parks etc. is to be accounted for by the developer and not the landowner. Therefore, in the considered view of this Court, the development cost incurred or to be incurred for providing common facilities is also required to be borne by the developer.

7.18 It is well settled that while assessing the market value, the court is required to adopt a pragmatic approach. The landowners who stand deprived of the property cannot be permitted to be denied of an adequate and just compensation as well. This is the responsibility of the courts to see that the landowners are adequately compensated. The learned counsel representing the parties have failed to draw the attention of the court to any precedent which lays down that while assessing the market value, the application of development cut or deduction on the base value is mandatory."

5.3.2 Therefore, in the considered opinion of the Court, for the reasons stated in ***Jai Singh (Supra)***, this Court does not find it appropriate to apply the deduction.

6. DECISION

6.1 Keeping in view the aforesaid discussion, the appeals filed by the landowners are allowed. The price of the land is increased to Rs.33,32,500/- per acre which includes the escalation at the rate of 7.5%. Consequently, the market value of the acquired land on 15.12.2006 comes to Rs.33,32,500/-. The land owners shall also be entitled to the enhanced amount alongwith all the other statutory benefits.

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

17th February, 2022 **(ANIL KSHETARPAL)**
Ay **JUDGE**

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

Sr. No	Case number	Appellant's name	Respondent's name
1.	RFA-6193-2015	Sant Ram and another	State of Haryana through Collector, Rohtak and others
2.	RFA-2994-2019	Risal Singh (deceased) through his legal heirs and others	State of Haryana through Collector, Rohtak and others
3.	RFA-2744-2019	Ram Bhagat and others	State of Haryana through Collector, Rohtak and others
4.	RFA-2745-2019	Om Parkash (deceased) through his LRs	State of Haryana through Collector, Rohtak and others
5.	RFA-2993-2019	Phool Kanwar	State of Haryana through Collector, Rohtak and others
6.	RFA-3506-2019	Sahab Singh (deceased) through LRs	State of Haryana through Collector, Rohtak and others
7.	RFA-2891-2019	Smt. Gulab Singh (deceased) through her LR and others	State of Haryana through Collector, Rohtak and others

8.	RFA-2646-2019	Mahender Singh	State of Haryana through Collector, Rohtak and others
9.	RFA-2635-2019	Smt. Rani through her power of attorney holder and others	State of Haryana through Collector, Rohtak and others
10.	RFA-2440-2019	Satbir Singh (deceased) through his LRs and others	State of Haryana through Collector, Rohtak and others
11.	RFA-2426-2019	Parchare and others	State of Haryana through Collector, Rohtak and others
12.	RFA-7287-2015	Satbir Singh and others	State of Haryana through Collector, Rohtak and others
13.	RFA-7286-2015	Shri Niwas and others	State of Haryana through Collector, Rohtak and others
14.	RFA-7285-2015	Baljeet and another	State of Haryana through Collector, Rohtak and others
15.	RFA-7284-2015	Manoj Kumar and others	State of Haryana through Collector, Rohtak and others
16.	RFA-7283-2015	Dilbag Singh (deceased) through its LRs and others	State of Haryana through Collector, Rohtak and others
17.	RFA-7282-2015	Chand Singh (deceased) through his LRs	State of Haryana through Collector, Rohtak and others
18.	RFA-7281-2015	Bhupal Singh and others	State of Haryana through Collector, Rohtak and others
19.	RFA-7280-2015	Smt. Phoolpati and others	State of Haryana through Collector, Rohtak and others
20.	RFA-7032-2015	Jai Narain and others	State of Haryana through Collector, Rohtak and others
21.	RFA-6995-2015	Om Parkash and another	State of Haryana through Collector, Rohtak and others

22.	RFA-6990-2015	Karambir and others	State of Haryana through Collector, Rohtak and others
23.	RFA-6994-2015	Karambir and others	State of Haryana through Collector, Rohtak and others
24.	RFA-6993-2015	Smt. Ompati and others	State of Haryana through Collector, Rohtak and others
25.	RFA-6992-2015	Smt. Ompati and others	State of Haryana through Collector, Rohtak and others
26.	RFA-6991-2015	Karambir and another	State of Haryana through Collector, Rohtak and others
27.	RFA-6898-2015	Dilbag Singh	State of Haryana through Collector, Rohtak and others
28.	RFA-6813-2015	Raghbir Singh (deceased) through his LRs and others	State of Haryana through Land Acquisition Collector, Rohtak and others
29.	RFA-6048-2015	Ramphal and another	State of Haryana through Collector, Rohtak and others
30.	RFA-6047-2015	Satpal and others	State of Haryana through Collector, Rohtak and others
31.	RFA-6199-2015	Suresh	State of Haryana through Collector, Rohtak and others
32.	RFA-6198-2015	Jaswant (deceased) through his LRs and others	State of Haryana through Collector, Rohtak and others
33.	RFA-6197-2015	Pawan Kumar	State of Haryana through Collector, Rohtak and others
34.	RFA-6195-2015	Smt. Dhupo and others	State of Haryana through Collector, Rohtak and others
35.	RFA-6194-2015	Jai Bhagwan	State of Haryana through Collector, Rohtak and others
36.	RFA-6192-2015	Bijender Singh	State of Haryana through Collector, Rohtak and others

37.	RFA-6151-2015	Nafe Singh @ Nafal (deceased) through his LRs and others	State of Haryana through Collector, Rohtak and others
38.	RFA-6150-2015	Dilawar Singh and another	State of Haryana through Collector, Rohtak and others
39.	RFA-6149-2015	Ajmer Singh and others	State of Haryana through Collector, Rohtak and others
40.	RFA-6148-2015	Umed Singh	State of Haryana through Collector, Rohtak and others
41.	RFA-6106-2015	Smt. Santosh and others	State of Haryana through Collector, Rohtak and others
42.	RFA-6105-2015	Smt. Dhanpati and others	State of Haryana through Collector, Rohtak and others
43.	RFA-6102-2015	Vijaypal and another	State of Haryana through Collector, Rohtak and others
44.	RFA-6101-2015	Bhoop Singh (deceased) through its LRs and others	State of Haryana through Collector, Rohtak and others
45.	RFA-6049-2015	Ramphal	State of Haryana through Collector, Rohtak and others
46.	RFA-6046-2015	Randhir Singh	State of Haryana through Collector, Rohtak and others
47.	RFA-6045-2015	Bijender Singh (deceased) through his LRs and others	State of Haryana through Collector, Rohtak and others
48.	RFA-6391-2015	Surat Singh	State of Haryana through Collector, Rohtak and others
49.	RFA-6393-2015	Mahender Singh and others	State of Haryana through Collector, Rohtak and others
50.	RFA-6411-2015	Raj Dulari	State of Haryana through Collector, Rohtak and others
51.	RFA-6413-2015	Krishan Kumar	State of Haryana through Collector, Rohtak and others
52.	RFA-6417-2015	Karambir Singh and	State of Haryana through

		another	Collector, Rohtak and others
53.	RFA-6412-2015	Smt. Kaushalya and others	State of Haryana through Collector, Rohtak and others
54.	RFA-6410-2015	Ashok Kumar	State of Haryana through Collector, Rohtak and others
55.	RFA-6414-2015	Satish and another	State of Haryana through Collector, Rohtak and others
56.	RFA-6415-2015	Smt. Bimla and others	State of Haryana through Collector, Rohtak and others
57.	RFA-6392-2015	Mahender Singh	State of Haryana through Collector, Rohtak and others
58.	RFA-6390-2015	Parkash and others	State of Haryana through Collector, Rohtak and others
59.	RFA-6389-2015	Zile Singh (deceased) through its LRs	State of Haryana through Collector, Rohtak and others
60.	RFA-6388-2015	Bhim Singh @ Bhima	State of Haryana through Collector, Rohtak and others
61.	RFA-6368-2015	Rohtash	State of Haryana through Collector, Rohtak and others
62.	RFA-6449-2015	Raj Singh and another	State of Haryana through Collector, Rohtak and others
63.	RFA-6407-2015	Ram Kanwar @ Raj Kumar and others	State of Haryana through Collector, Rohtak and others
64.	RFA-6416-2015	Satish and another	State of Haryana through Collector, Rohtak and others
65.	RFA-6215-2015	Pardeep	State of Haryana through Collector, Rohtak and others
66.	RFA-6213-2015	Jai Narain and others	State of Haryana through Collector, Rohtak and others
67.	RFA-6211-2015	Smt. Sunder Dev (deceased) through	State of Haryana through Collector, Rohtak and

		her LRs and others	others
68.	RFA-6212-2015	Vinit Kumar and others	State of Haryana through Collector, Rohtak and others
69.	RFA-6210-2015	Chander Bhan and others	State of Haryana through Collector, Rohtak and others
70.	RFA-6209-2015	Munshi and others	State of Haryana through Collector, Rohtak and others
71.	RFA-6216-2015	Suraj Bhan (deceased) through his LRs and others	State of Haryana through Collector, Rohtak and others
72.	RFA-6218-2015	Amir Singh	State of Haryana through Collector, Rohtak and others
73.	RFA-6219-2015	Leelawati and others	State of Haryana through Collector, Rohtak and others
74.	RFA-6222-2015	Laxmi Narain and another	State of Haryana through Collector, Rohtak and others
75.	RFA-6201-2015	Dharam Parkash and another	State of Haryana through Collector, Rohtak and others
76.	RFA-6214-2015	Sukhmai and others	State of Haryana through Collector, Rohtak and others
77.	RFA-6205-2015	Ajit Singh and others	State of Haryana through Collector, Rohtak and others
78.	RFA-6206-2015	Vedpal and others	State of Haryana through Collector, Rohtak and others
79.	RFA-6208-2015	Joginder and others	State of Haryana through Collector, Rohtak and others
80.	RFA-6207-2015	Smt. Kamla Devi and another	State of Haryana through Collector, Rohtak and others
81.	RFA-6204-2015	Hazari Lal and others	State of Haryana through Collector, Rohtak and others
82.	RFA-6202-2015	Ram Bhagat	State of Haryana through Collector, Rohtak and others

83.	RFA-6203-2015	Smt. Ved Kaur and others	State of Haryana through Collector, Rohtak and others
84.	RFA-7369-2015	Smt. Sumitra and others	State of Haryana through Collector, Rohtak and others
85.	RFA-7374-2015	Randhir Singh (deceased) through his LRs and others	State of Haryana through Collector, Rohtak and others
86.	RFA-7288-2015	Smt. Maya Kaur (deceased) through her LRs and others	State of Haryana through Collector, Rohtak and others
87.	RFA-7289-2015	Smt. Phoolpati and others	State of Haryana through Collector, Rohtak and others
88.	RFA-7291-2015	Hari Singh and others	State of Haryana through Collector, Rohtak and others
89.	RFA-7292-2015	Satbir Singh and others	State of Haryana through Collector, Rohtak and others
90.	RFA-7293-2015	Smt. Maya Kaur (deceased) through her LRs and others	State of Haryana through Collector, Rohtak and others
91.	RFA-7294-2015	Smt. Maya Kaur (deceased) through her LRs and others	State of Haryana through Collector, Rohtak and others
92.	RFA-7295-2015	Narotam Singh	State of Haryana through Collector, Rohtak and others
93.	RFA-7296-2015	Chand Singh (deceased) through his LRs and others	State of Haryana through Collector, Rohtak and others
94.	RFA-7297-2015	Satish and another	State of Haryana through Collector, Rohtak and others
95.	RFA-7298-2015	Kulbir Singh and others	State of Haryana through Collector, Rohtak and others
96.	RFA-7299-2015	Jora Singh and others	State of Haryana through Collector, Rohtak and others
97.	RFA-7290-2015	Dev Narain and another	State of Haryana through Collector, Rohtak and others

98.	RFA-7368-2015	Smt. Sumitra and others	State of Haryana through Collector, Rohtak and others
99.	RFA-7363-2015	Vinod and others	State of Haryana through Collector, Rohtak and others
100.	RFA-7362-2015	Balbir Singh and others	State of Haryana through Collector, Rohtak and others
101.	RFA-7361-2015	Raj Singh and others	State of Haryana through Collector, Rohtak and others
102.	RFA-7360-2015	Ram Niwas and another	State of Haryana through Collector, Rohtak and others
103.	RFA-7302-2015	Smt. Gianwati	State of Haryana through Collector, Rohtak and others
104.	RFA-7301-2015	Randhir Singh and others	State of Haryana through Collector, Rohtak and others
105.	RFA-7300-2015	Ashok Kumar	State of Haryana through Collector, Rohtak and others
106.	RFA-6387-2015	Om Parkash (deceased) through its LRs and another	State of Haryana through Collector, Rohtak and others
107.	RFA-154 -2016	Leelawanti and others	State of Haryana and others
108.	RFA-310-2016	Smt. Sushila @ Sheela	State of Haryana and others
109.	RFA-2439-2021	Jagdish (deceased) through his LRs and others	State of Haryana and others
110.	RFA-8418-2018	Smt. Panmeshwari (deceased) through her LRs and others	State of Haryana and others
111.	RFA-5164-2018	Mahabir	State of Haryana and others
112.	RFA-4819-2018	Ram Kanwar	State of Haryana and others
113.	RFA-4721-2018	Rajbir Singh and others	State of Haryana and others

114.	RFA-4689-2018	Rajender and others	State of Haryana and others
115.	RFA-4684-2018	Sandeep and another	State of Haryana and others
116.	RFA-4680-2018	Om Parkash (deceased) through his LRs and others	State of Haryana and others
117.	RFA-2866-2016	Bijender and another	State of Haryana and others
118.	RFA-470-2016	Krishan Kumar and others	State of Haryana and others
119.	RFA-436-2016	Brij Bhan	State of Haryana and others
120.	RFA-5608-2015	Dayanand (deceased) through his LRs	State of Haryana and others
121.	RFA-5607-2015	Smt. Malho and others	State of Haryana and others
122.	RFA-5606-2015	Khim Kaur (deceased) through her LR	State of Haryana and others
123.	RFA-5605-2015	Smt. Malho and others	State of Haryana and others
124.	RFA-5604-2015	Smt. Sushila	State of Haryana and others
125.	RFA-5603-2015	Suresh Kumar	State of Haryana and others
126.	RFA-5271-2015	Jai Parkash	State of Haryana and others
127.	RFA-5270-2015	Smt. Krishna	State of Haryana and others
128.	RFA-5953-2015	Rajender Singh and others	State of Haryana and others
129.	RFA-5952-2015	Umed Singh (deceased) through his LRs and others	State of Haryana and others
130.	RFA-5951-2015	Har Kishan and others	State of Haryana and others
131.	RFA-5950-2015	Mahender Singh and others	State of Haryana and others
132.	RFA-5949-2015	Ram Diya through his Special Power of Attorney Satpal Singh	State of Haryana and others
133.	RFA-5884-2015	Krishan Kumar and	State of Haryana and

		others	others
134.	RFA-5883-2015	Sushil Kumar (deceased) through his LRs	State of Haryana and others
135.	RFA-5882-2015	Dharambir Singh and others	State of Haryana and others
136.	RFA-5656-2015	Bhagat Singh and another	State of Haryana and others
137.	RFA-5617-2015	Karan Singh and others	State of Haryana and others
138.	RFA-5609-2015	Smt. Murti and others	State of Haryana and others
139.	RFA-6243-2015	Shakuntla and others	State of Haryana and others
140.	RFA-6244-2015	Khazan Singh and others	State of Haryana and others
141.	RFA-6245-2015	Om Parkash and others	State of Haryana and others
142.	RFA-6246-2015	Dilbag (deceased) through his LRs and others	State of Haryana and others
143.	RFA-6247-2015	Zile Singh and others	State of Haryana and others
144.	RFA-6248-2015	Dharampal	State of Haryana and others
145.	RFA-6249-2015	Sahab Singh and another	State of Haryana and others
146.	RFA-6250-2015	Shamsher and others	State of Haryana and others
147.	RFA-6251-2015	Dharambir and others	State of Haryana and others
148.	RFA-6267-2015	Jai Singh (deceased) through his LRs and others	State of Haryana and others
149.	RFA-6200-2015	Rupender Singh and others	State of Haryana and others
150.	RFA-6221-2015	Bhoop Singh	State of Haryana and others
151.	RFA-6220-2015	Kartar Singh	State of Haryana and others
152.	RFA-6217-2015	Smt. Kitabo Devi and others	State of Haryana and others
153.	RFA-6540-2015	Karambir and others	State of Haryana and

			others
154.	RFA-6539-2015	Satvir Singh and another	State of Haryana and others
155.	RFA-6538-2015	Silak Ram (deceased) through his LRs	State of Haryana and others
156.	RFA-6537-2015	Jai Narain (deceased) through his LRs	State of Haryana and others
157.	RFA-6536-2015	Raghbir Singh and others	State of Haryana and others
158.	RFA-6535-2015	Silak Ram (deceased) through his LRs	State of Haryana and others
159.	RFA-6528-2015	Darshan Singh	State of Haryana and others
160.	RFA-6527-2015	Ishwar Singh	State of Haryana and others
161.	RFA-6526-2015	Manjeet Singh	State of Haryana and others
162.	RFA-6525-2015	Ishwar Singh and others	State of Haryana and others
163.	RFA-6524-2015	Sh. Ishwar Singh (deceased) through his LR	State of Haryana and others
164.	RFA-6523-2015	Bhim Singh and others	State of Haryana and others
165.	RFA-6522-2015	Chanchal and another	State of Haryana and others
166.	RFA-6521-2015	Muni Ram @ Neeraj	State of Haryana and others
167.	RFA-6566-2015	Ashok Kumar and others	State of Haryana and others
168.	RFA-6558-2015	Ishwar Dutt and others	State of Haryana and others
169.	RFA-6551-2015	Smt. Usha through her GPA Vikram and another	State of Haryana and others
170.	RFA-6547-2015	Jai Bhagwan and others	State of Haryana and others
171.	RFA-6567-2015	Virender Singh and others	State of Haryana and others
172.	RFA-6541-2015	Jai Narayan (deceased) through his LRs	State of Haryana and others
173.	RFA-6542-2015	Dharambir and others	State of Haryana and others

174.	RFA-6543-2015	Attar Singh	State of Haryana and others
175.	RFA-6544-2015	Rohtash and others	State of Haryana and others
176.	RFA-6545-2015	Jai Narayan (deceased) through his LRs	State of Haryana and others
177.	RFA-6546-2015	Jai Narayan (deceased) through his LRs	State of Haryana and others
178.	RFA-4566-2018	Virender Singh and another	State of Haryana and others
179.	RFA-2370-2019	Sunil Kumar	State of Haryana and others
180.	RFA-6196-2015	Nar Singh	State of Haryana and others

(ANIL KSHETARPAL)
JUDGE