

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

**RFA-3685 of 2019 (O&M)
and other connected cases
Date of decision:29.10.2022**

State of Haryana and Others

..Appellants

Versus

Ved Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Vibha Tewari, AAG, Haryana

Mr. Rohit Jaswal, Advocate and
Mr. Rajesh Bansal, Advocate
for the landowners.

ANIL KSHETARPAL, J(Oral)

1. INTRODUCTION AND BACKGROUND

1.1 While praying for the modification of Reference Court's award dated 21.12.2018, the State of Haryana as well as the landowners have filed this batch of appeals (detail whereof is at the foot of the judgment). The notifications under Section 4 and 6 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the 1894 Act') and the awards passed by the Land Acquisition Collector (hereinafter referred to as 'the LAC') as well as the Reference Court (hereinafter referred to as 'the RC') are common. The learned counsels representing the parties are ad-idem that this batch of appeals can be conveniently decided by a common judgment. At the outset, it is important to note that the RC has assessed the market value of the acquired land on the basis of the Collector rates issued by the Deputy Commissioner, Panipat.

1.2 In a recent judgment passed in *Bharat Sanchar Nigam Limited vs M/S Nemichand Damodardas and another, 2022 AIR (SC) 3458*, the Hon'ble Supreme Court while following the previous judgments has held that the Collector's rates issued for the collection of stamp duty on the documents at the time of their registration cannot be solely relied upon to assess the market value of the acquired land.

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

09.10.2010	Preliminary notification under Section 4 of the 1894 Act was issued for construction of Sewerage Treatment Plant by the Government of Haryana.
11.05.2011	The declaration under Section 6 of the 1894 Act was published.
26.04.2012	The LAC vide award no.1 offered to pay Rs.42,50,000/- per acre for the acquired land measuring 22 kanals located in village Samalkha, District Panipat.
21.12.2018	The RC has enhanced the market value of the acquired land to Rs.53,24,000/- per acre from Rs.42,50,000/-

FACTS

1.4 Dissatisfied with the amount offered by the LAC, on the application of the landowners, the matter was referred to the Court. The landowners claim that the acquired land is not less than Rs.2 Crore per acre as it is situated not only within the municipal limits of Samalkha, but also close to National Highway-44, G.T.Road. The acquired land is also located near the factory of Nestle Industries and the Cremation Ground.

1.5 On the other hand, the State of Haryana while filing the reply has contended that the amount offered by the LAC is fair, adequate and as per the prevalent market value, therefore, there is no scope of interference.

2. **ORAL AND DOCUMENTARY EVIDENCE**

2.1 In oral evidence, the landowners examined the following

witnesses:-

PW1	Suraj Bhan
PW2	Maha Singh
PW3	Ashok Kumar, Clerk Office fo Deputy Commissioner, Panipat
PW4	Ved Parkash, Halqua Patwari, Samalkha
PW5	Shiv Kumar, Assistant Office of Deputy Commissioner, Panipat
PW6	Suresh Kumar, Draftsman

2.2 In documentary evidence, the landowners produced the following documents:-

Ex.P1	Certified copy of award
Ex.P2	Certified copy of collector rate 2011-2012
Ex.P3	Certified copy of sale deed 30.08.2011
Ex.P3A	Certified copy of collector rate 2011-2012
Ex.P4	Copy of mutation
Ex.P5	Certified copy of collector rate 2012-2013
Ex.P6	Certified copy of collector rate 2012-2013
Ex.P6/A	Scaled site plan
Ex.P7	Certified copy of jamabandi 2000-2001
Ex.P8	Certified copy of jamabandi 2000-2001
Ex.P9	Aks sizra

2.3 On the other hand, the State of Haryana has examined the following witness:-

RW1	Ved Parkash, Sub-Divisional Engineer, Public Health, Engineering, Sub Divisional, Samalkha.
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2.4 The State of Haryana has not produced any documentary evidence.

3. **DISCUSSION AND ANALYSIS OF AGRUMENTS REPRESENTED BY THE LEARNED COUNSELS REPRESENTING THE RESPECTIVE PARTIES**

3.1 The Court found that the landowners have produced only one sale deed dated 30.08.2011, with respect to 66 sq. yards plot. The Court has found that not only this tiny plot of 66 sq. yards is incomparable but also the sale deed pertains to date post the date of notification under Section 4 of the 1894 Act. As per Section 23, the market value of the land is required to be assessed as on 09.11.2010, the date of notification under Section 4 of the 1894 Act. Apart from the aforesaid sale deed, the Court has noticed that the landowners have relied upon the Collector's rates. They have produced Collector's rates of the year 2010-2011, 2011-2012, 2012-2013. The court taking the oral evidence into consideration has observed that the acquired land is located near the cremation ground and on careful perusal of Ex.P6, the Collector's rates for the year 2010-2011, the rate of land near cremation ground and Dakot Colony is Rs.1100/- per sq. yard. On the basis of the aforesaid Collector's rates, the Court has proceeded to assess the market value of the acquired land @ Rs.1100/- per sq. yard.

3.2 This Bench has heard the learned counsels representing the parties at length and with their able assistance perused the paper book and the record of the Reference Court which was requisitioned.

3.3 On the one hand, the learned counsel representing the landowners submits that the RC has failed to notice that the acquired land was located within the municipal limits, Samalkha, District Panipat, therefore, the price of the land was much more. The learned counsels claim that the sale instance Ex.P3 dated 30.08.2011 could be relied upon to assess the market value.

3.4 Per contra, the learned State counsel has while relying upon the

Bharat Sanchar Nigam Limited (supra), claims that the RC has committed a material irregularity while relying upon the collector's rates.

3.5 In the present case, the RC was correct in observing that the sale instance Ex.P3 with respect to 66 sq. yards plot is not comparable. It is evident from the careful perusal of the sale deed Ex.P3 that 18.3 feet into 31 feet plot has been sold in developed area. Hence, the aforesaid plot which is of a tiny size cannot be relied upon to assess the market value of 22 kanals agricultural land which is significantly a bigger portion of land. It may be noted here that the landowners themselves have produced the copies of jamabandi for the year 2000-2001, which clearly proves that the acquired land was used for the agricultural purposes. Samalkha is a semi-urban small area which falls within the District Panipat. It is evident that the landowners have failed to produce the evidence of the comparable sale instances in order to prove that the market value offered by the LAC was not appropriate. Once the landowners had felt dissatisfied with the amount offered by the LAC and the matter was referred to the Court, it was the responsibility of the landowners to prove that the market value offered by the LAC is not appropriate. In the present case, the landowners have failed to produce any comparable sale deed pertaining to the contemporaneous period. Only one sale deed Ex.P3 has been produced which is not only with respect to a tiny parcel of land but also is post the date of notification under Section 4 of the 1894 Act.

3.6 The RC has relied upon the Collector's rates with respect to the area near the cremation ground and the Dakot Colony. It may be noted here that the collector's rates are issued by the Deputy Commissioner only for the

purpose of guiding the Registration Authority to ensure proper collection of the stamp duty on the documents presented for registration. The aforesaid collector's rates notified by the Deputy Commissioner do not make declaration with regard to market value of the land in the particular area. Reliance in this regard can be placed on the judgment in **Bharat Sanchar Nigam Limited (supra)**. Moreover, as per jamabandi Ex.P7 and Ex.P8, it is proved that the acquired land was being used for the agricultural purposes. In such circumstances, the RC committed an error in relying upon the Collector's rates.

3.7 Keeping in view the aforesaid facts, it is evident that the landowners have failed to produce any evidence to prove that the market value offered by the LAC was not fair, adequate and proper.

4. **DECISION**

4.1 Consequently, the appeals filed by the State of Haryana are allowed, whereas the appeals filed by the landowners are dismissed. The market value offered by the LAC under Award dated 24.04.2012 is upheld, resulting in dismissal of the applications filed under Section 18 of the 1894 Act by the landowners.

4.2 With all the aforesaid observations, the bunch of appeals are disposed of.

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

October 29th, 2022

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**(ANIL KSHETARPAL)
JUDGE**

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>

**RFA-3685 of 2019 (O&M)
and other connected cases**

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SR. NO.	CASE NO.	PARTIES DETAILS
1.	<u>RFA-3685-2019</u>	STATE OF HARYANA AND OTHERS V/S VED SINGH AND OTHERS
2.	<u>RFA-3686-2019</u>	STATE OF HARYANA AND OTHERS V/S SURESH KUMAR
3.	<u>RFA-3705-2019</u>	STATE OF HARYANA AND OTHERS V/S SMT. RAM PIYARI AND OTHERS
4.	<u>RFA-3691-2019</u>	STATE OF HARYANA AND OTHERS V/S DHANPATI AND OTHERS
5.	<u>RFA-3704-2019</u>	STATE OF HARYANA AND OTHERS V/S SURAJ BHAN AND OTHERS
6.	<u>RFA-3707-2019</u>	STATE OF HARYANA AND OTHERS V/S SMT. DHANNO AND OTHERS
7.	<u>RFA-3155-2019</u>	DAYA NAND V/S STATE OF HARYANA AND OTHERS
8.	<u>RFA-3700-2019</u>	STATE OF HARYANA AND OTHERS V/S KEDAR SINGH (NOW DECEASED) THR. LRS AND OTHERS
9.	<u>RFA-3696-2019</u>	STATE OF HARYANA AND OTHERS V/S CHARAN SINGH AND OTHERS
10.	<u>RFA-3690-2019</u>	STATE OF HARYANA AND OTHERS V/S PARVEEN DEVI
11.	<u>RFA-3692-2019</u>	STATE OF HARYANA AND OTHERS V/S SHER SINGH AND OTHER
12.	<u>RFA-3702-2019</u>	STATE OF HARYANA AND OTHERS V/S ISHWAR SINGH
13.	<u>RFA-3706-2019</u>	STATE OF HARYANA AND OTHERS V/S DALEL SINGH
14.	<u>RFA-3689-2019</u>	STATE OF HARYANA AND OTHERS V/S CHANDER BHAN AND OTHERS
15.	<u>RFA-3697-2019</u>	STATE OF HARYANA AND OTHERS V/S DAYA NAND
16.	<u>RFA-3703-2019</u>	STATE OF HARYANA AND OTHERS V/S RANDHIR SINGH
17.	<u>RFA-3693-2019</u>	STATE OF HARYANA AND OTHERS V/S ISHWAR
18.	<u>RFA-3699-2019</u>	STATE OF HARYANA AND OTHERS V/S NARESH KUMAR
19.	<u>RFA-3688-2019</u>	STATE OF HARYANA AND OTHERS V/S RAJBIR AND OTHERS
20.	<u>RFA-3687-2019</u>	STATE OF HARYANA AND OTHERS V/S MAIDHAN AND OTHERS
21.	<u>RFA-3701-2019</u>	STATE OF HARYANA AND OTHERS V/S RANBIR SINGH

22.	<u>RFA-881-2020</u>	NARESH KUMAR V/S STATE OF HARYANA AND ORS
23.	<u>RFA-882-2020</u>	RANDHIR SINGH V/S STATE OF HARYANA AND ORS
24.	<u>RFA-876-2020</u>	MAIDHAN SINCE DECEASED THROUGH LRS AND ORS V/S STATE OF HARYANA AND ORS
25.	<u>RFA-878-2020</u>	SURAJ BHAN AND ORS V/S STATE OF HARYANA AND ORS
26.	<u>RFA-3695-2019</u>	STATE OF HARYANA AND OTHERS V/S RANDHIR SINGH AND OTHERS
27.	<u>RFA-2574-2019</u>	KEDAR SINGH SINCE DECEASED THROUGH HIS LRS AND OTHERS V/S STATE OF HARYANA AND OTHERS
28.	<u>RFA-1345-2021</u>	SHER SINGH AND ORS V/S STATE OF HARYANA AND ORS
29.	<u>RFA-3762-2019</u>	DAYA NAND V/S STATE OF HARYANA AND OTHERS
30.	<u>RFA-3708-2019</u>	STATE OF HARYANA AND OTHERS V/S DHARAMPAL AND OTHERS
31.	<u>RFA-3698-2019</u>	STATE OF HARYANA AND OTHERS V/S OM PARKASH
32.	<u>RFA-3694-2019</u>	STATE OF HARYANA AND OTHERS V/S RATTAN LAL
33.	<u>RFA-3501-2019</u>	SURESH KUMAR V/S STATE OF HARYANA AND OTHERS
34.	<u>RFA-1319-2021</u>	RANBIR SINGH V/S STATE OF HARYANA AND ORS

(ANIL KSHETARPAL)
JUDGE