

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA-1106-2018 (O&M)
Reserved on: 24.11.2022
Date of decision: 07.12.2022

STATE OF HARYANA AND ORS. ..Appellants

Versus

SHYAM LAL THROUGH GPA VINOD
KUMAR AGGARWAL ..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Shivendra Swaroop, AAG, Haryana.

Mr. Manish Mehta, Advocate
for the landowners.

ANIL KSHETARPAL, J.

1. Introduction and background:

1.1 While praying for the modification of the market value assessed in Reference Court's (hereinafter referred to as 'the RC') award, the landowners as well as the State of Haryana have filed this batch of appeals and (details whereof are at the foot of the judgment) has been filed. The notification 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 RC, are common. The learned counsel representing the parties are *ad idem* that this batch of appeals along with, can conveniently be disposed of by a common judgment.

1.2 The relevant particulars of this batch of appeals, in brief are as under:

Sr. No.	Particulars	Relevant Date
1.	Preliminary notification under Section 4 of the 1894 Act	01.03.2011
2.	Area of land	1 kanal and 14 marlas
3.	Location of land	Village Mohindergarh
4.	Purpose of acquisition	Widening and for four-laning of Major District Road-129 from Narnaul to Khudana.
5.	Declaration under Section 6 was issued.	19.07.2011
6.	Number and date of LAC award	Award No.28 dated 22.08.2012
7.	Amount assessed by the LAC	The LAC offered to pay the market value of the acquired land measuring 1 kanal and 14 marlas at the rate of Rs.40,00,000/- per acre.
8.	Date of RC's award	02.07.2017
9.	Amount assessed by the RC	The RC assessed the market value of the acquired land at the rate of Rs.80,00,000/- per acre.

FACTS:

1.3 Dissatisfied with the amount offered by the LAC for involuntary acquisition of the land, on the applications filed by the landowners under Section 18 of the 1894 Act, the cases were referred to the RC for assessing the market value of the acquired land. The landowners claim that the LAC has greatly undervalued the land while failing to take into consideration its commercial value. The LAC has also failed to take into consideration the various sale deeds and the particular fact that acquired land is adjacent to the Narnaul-Dadri State Highway No.-17, claiming that the market value of the acquired land was not less than Rs.70,000/- per sq. yards, at that relevant time. The landowners have claimed compensation for the bifurcation of land and structure.

1.4 On the other hand, while contesting the petitions, the State of Haryana claims that the LAC has offered just, fair, reasonable and adequate market value.

2. **Evidence produced by the respective parties:**

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

<i>PW-1</i>	<i>Sh. Nand Kishor</i>
<i>PW-2</i>	<i>Mr. Jogender Singh, Draftsman</i>

2.2 In the documentary evidence, the landowners produced the following evidence in support of their case apart from the sale deeds, a tabulated compilation whereof, is given in para 4.5 of the judgment:-

<i>Ex.P-1 to P-4</i>	<i>Copies of sale deed</i>
<i>Ex.P-5</i>	<i>Revised Collector's rate</i>
<i>Ex.P-6</i>	<i>Map of municipal area, Mohindergarh</i>

2.3 On the other hand, in oral evidence, the State of Haryana examined RW-1 Sh. Kamaldeep Singh Rana, Sub-Divisional Engineer.

2.4 In the documentary evidence, the State of Haryana produced the following documents apart from the sale deeds, a tabulated compilation whereof, is given in para 4.5 of the judgment:-

<i>Ex.R-1 to R-5</i>	<i>Certified copies of sale deeds</i>
<i>Ex.R-6</i>	<i>Gazette notification under Section 4</i>
<i>Ex.R-7</i>	<i>Photocopy of collector's rate</i>
<i>Ex.R-8</i>	<i>Photocopy of award No.28</i>
<i>Ex.R-9</i>	<i>Photocopy of aks-shijra</i>

3. **Analysis of the reasons recorded by the RC:-**

3.1 The RC, on the appreciation of the pleadings, culled out the following issues for adjudication:-

*“1. What was the market value of the acquired land on the date of publication of notification under Section 4 of the Land Acquisition Act? OPP
2. Whether the petitioners are entitled to any enhanced compensation, if so, at what rate? OPP
3. Whether the petitioners are entitled to get compensation on account of bifurcation of land? OPP
4. Relief.”*

3.2 The RC after observing that the sale deeds Ex.P-1 to Ex.P-4 are with respect to the parcels of tiny sized plots, hence, cannot be relied upon, chose to rely upon Ex.P-3, which is with respect to a residential plot measuring 6 marlas. Thereafter, the RC applied 75% disparity deduction in order to arrive at a figure of Rs.80,00,000/- per acre. Sale deeds Ex.R-1 to R-5 produced by the State of Haryana were kept out of consideration on the basis of Section 25 of the 1894 Act.

4. **Discussion and analysis of the arguments of the the learned counsel representing the parties:**

4.1 This Bench has heard the learned counsel representing the parties at length, and analysed the arguments, and, with their able assistance perused the paperbook as well as the lower Court record, which was requisitioned.

4.2 The learned counsel representing the landowners contends that Mohindergarh City has derived its name from the Mohindergarh village. He submits that the entire area of village Mohindergarh is part of the city, therefore, the RC has committed an error in applying 75% deduction on sale instance Ex.P-3 (bearing No.1923). While contending that the entire

acquired land had the potential to be used for a commercial purpose. The learned counsel prays for suitable modification in amount to the landowners.

4.3 On the other hand, the learned counsel representing the State of Haryana while referring to the sale deeds Ex.R-1 to R-5 contends that in village Mohindergarh agricultural land continues to exist and it was being sold below the amount offered by the LAC. While submitting that the RC has wrongly interpreted Section 25 of the 1894 Act to keep the sale deeds Ex.R-1 to R-5 out of consideration, he submits that these five sale instances prove that the amount offered by LAC is just, fair, reasonable and adequate.

4.4 The RC has erred in interpreting Section 25 of the 1894 Act while excluding the sale deeds Ex.R-1 to R-4 out of consideration. This issue is no longer *res integra* in view of the judgment passed by the Supreme Court in **Lal Chand Vs. Union of India, (2009) 15 SCC 769.**

4.5 At this stage, it is considered appropriate to compile the complete information in respect of various sale deeds produced by the parties in a tabulated form:-

SALE DEED PRODUCED BY THE LANDOWNERS							
Sr. No.	Exhibit Nos.	Sale Deed No.	Date	Total Area	Amount (in Rs.)	Amount Per Acre (in Rs.)	Village
1	P-1	2778	20.01.2011	88 sq. yards	13,20,000/-	7,00,00,000/-	Mohindergarh
2	P-2	3022	21.02.2011	100 sq. yards	4,00,000/-	2,00,00,000/-	Mohindergarh
3	P-3	1923	03.11.2010	6 marla	12,00,000/-	3,20,00,000/-	Mohindergarh
4	P-4	2526	29.12.2010	2 marla	9,45,000/-	7,56,00,000/-	Mohindergarh
SALE DEED PRODUCED BY THE STATE							
1	R-1	3498	22.03.2010	600 sq. yards	9,00,000/-	28,00,000/-	Mohindergarh
2	R-2	53	13.04.2010	3 Acre 1K-14M	80,31,500/-	25,00,000/-	Mohindergarh
3	R-3	847	07.07.2010	450 sq. yards	3,25,000/-	26,00,000/-	Mohindergarh
4	R-4	412	08.09.2010	3K-6M	16,50,000/-	40,00,000/-	Mohindergarh
5	R-5	3313	25.03.2011	2 Acre 2K-2M	45,00,000/-	19,88,000/-	Mohindergarh

4.6 The correctness of the aforesaid tabulated information compiled by the RC in its award has not been disputed by the learned counsel

representing the parties.

4.7 At the cost of repetition, it may be noted here that only 1 kanal and 14 marlas land has been acquired out of the land comprised in rectangle No.26, 39, 54 and 67. The sale instance Ex.P-3 (bearing No.1923) is a residential plot measuring 6 marlas which ordinarily means 181 sq. yards. The aforesaid plot has been sold out of land comprised in rectangle No.25, killa No.24/2/2/2 and 25/1/1/2. Though, the landowners have produced a layout plan Ex.PW2/A, however, the location of plot sold through sale deed Ex.P-3 has not been identified in order to help the Court to make comparison with the acquired land. In fact, all the sale deeds produced by the landowners are with respect to a small parcels of land. It may be noted here that though in the first blush, the arguments of the learned counsel representing the landowners appears to be meritorious, however, on a deeper scrutiny, the arguments are found not acceptable. It may be noted here that there is no evidence that the entire land of village Mohindergarh is non-agricultural. Sale deed Ex.R-2 (bearing No.53), Ex.R-4 (bearing No.412) and Ex.R-5 (bearing No.3313) prove that the agricultural land is being purchased and sold at the maximum rate of Rs.40,00,000/- per acre. Sale deed Ex.R-4 is out of the land comprised in rectangle No.4, 9 and 10, whereas, the sale deed Ex.R-5 is out of the land comprised in rectangle No.43 and 50. In the terms of the units of the agricultural land, the rectangle is a compact rectangular block of 25 acres of land.

4.8 The glossary of certain revenue terms used while dictating the judgment is extracted as under:-

1.	1 Rectangle	=	5 X 5 = 25 Acre
2.	1 Acre	=	160 Marlas

3.	8 Kanal	=	1 Acre
4.	1 Kanal	=	20 Marlas
5.	1 Acre	=	4840 Sq. Yards
6.	1 Marla	=	272.251 Sq. Feet = 30.25 Sq. Yards
7.	1 Inch	=	2.54 cm
8.	1 Foot	=	12 Inch.
9.	1 Sq. Feet	=	12 X 12 =144 Inch.
10.	1 Yard	=	3 Feet
11.	1 Sq. Yard	=	9 Sq. Feet
12.	100 Sq. Yards	=	900 Sq. Feet
13.	1 Kanal	=	0.125 Acre
14.	1 Marla	=	0.00625001 Acre
15.	“//” denotes Rectangle Number.		
16.	“/” denotes Khasra/Killa Number.		
17.	“A” denotes Acre		
18.	“K” denotes Kanal		
19.	“M” denotes Marla		

4.9 The State of Haryana has produced a layout plan Ex.R-1, which is based on *aks-shijra*/revenue layout plan of the village. It is evident that the acquired land is spread out in a narrow strip at two different places. In fact, the land of village Khayra is located towards the Western side of village Mohindergarh. The acquired land comprised in rectangle No.26 and 39 is on one strip, thereafter, there is another strip which is with respect to rectangle No.54 and 67. The sale deed Ex.P-3 is likely to be at a sufficient distance from the acquired land. Sale deed Ex.R-4 (bearing No.412) is also located at a distance from the acquired land. In fact, the entire revenue layout plan has not been produced for the proper identification of the exact location of land comprised in rectangle No.11.

4.10 However, it is for the landowners to prove that the amount offered by the LAC is inadequate and unjust. The sale instances produced by

the landowners are not comparable with the acquired land. There are various sale instances produced by the State of Haryana which particularly prove that even a smaller residential plot like Ex.R-1 (bearing no.3498) was being sold at a per acre rate of Rs.28,00,000/-. Ex.R-3 (bearing No.847) also support that conclusion, whereas, the agricultural land was being sold at a much lesser price.

4.11 It may be noted here that the award passed by the RC with respect to acquisition of land in village Khayra has also been set aside in **Regular First Appeal No.2842 of 2017, titled as “Surat Singh and others Vs. State of Haryana and others.”**

5. **Decision:**

5.1 Keeping in view the aforesaid discussion, this Court is left with no other choice but to set aside the impugned award passed by the RC. The appeals filed by the State of Haryana are allowed, whereas, that of the landowners shall stand dismissed. This Court does not find any material to enhance or reduce the amount offered by the LAC.

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

07th December, 2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE

Sr. No.	Case No.	Parties Details
1.	RFA-1106-2018	STATE OF HARYANA & ORS V/S SHYAM LAL S/O SH. RAM SARUP DASS
2.	RFA-1171-2018	STATE OF HARYANA & ORS V/S MOHINDER SINGH AND ORS
3.	RFA-1172-2018	STATE OF HARYANA & ORS V/S ASHUTOSH & ORS
4.	RFA-1173-2018	STATE OF HARYANA & ORS V/S JAI SINGH AND

		ORS
5.	RFA-5291-2017	SHYAM LAL THR. GPA VINOD KUMAR AGGARWAL V/S STATE OF HARYANA AND ORS

(ANIL KSHETARPAL)
JUDGE