

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA-1192-2018 (O&M)
Reserved on: 21.10.2022
Date of decision: 10.11.2022

STATE OF HARYANA AND ORS. ..Appellants

Versus

SANWAL SINGH AND ANR. ..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Shivendra Swaroop, AAG, Haryana
Mr. Harsh Vardhan, AAG, Haryana.

Mr. Jai Vir Yadav, Sr. Advocate
with Mr. Harshvardhan Ranga, Advocate
Mr. Nitish Sharma, Advocate

Mr. Chanderhas Yadav, Advocate
Mr. N.S. Gill, Advocate
Mr. Munish Gupta, Advocate
Mr. Shashikant Gupta, Advocate
Mr. Rakesh Sobti, Advocate
Mr. S.K. Yadav, Advocate
Ms. Shalini Sharma, Advocate
for the landowners.

ANIL KSHETARPAL, J.

1. **Introduction and background:**

1.1 While praying for modification of the market value of the acquired land assessed in the Reference Court's award (hereinafter referred to as 'the RC'), the landowners as well as the State of Haryana have filed this batch of appeals (details whereof are at the foot of the judgment). The notification under Section 4, 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 can conveniently be disposed of by a common judgment.

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

Sr. No.	Particulars	Relevant Date
1.	Preliminary notification under Section 4 of the 1894 Act	15.03.2011
2.	Declaration under Section 6 was issued.	07.06.2011
3.	Area of land	80 kanals and 14 marlas
4.	Location of land	Village Shahpur Awal
5.	Purpose of acquisition	Widening and public purpose namely four-laning, maintenance, management and operation of Major District Road-129 from village Rai Malikpur to Narnaul, District Mohindergarh
6.	Number and date of LAC award	Award No.17 dated 27.03.2012
7.	Amount assessed by the LAC	The LAC offered to pay at ther ate of Rs.20,00,000/- per acre for the acquired land measuring 80 kanals and 14 marlas.
8.	Date of RC's award	04.09.2017
9.	Amount assessed by the RC	The RC assessed the market value of the land at the rate of Rs.30,97,599/-.

FACTS:

1.3 Dissatisfied with the amount offered by the LAC, on the applications filed by the landowners under Section 18 of the 1894 Act, the cases were referred to the RC. The landowners claimed that their precious land which had the potential to be used for the residential and commercial purposes has been involuntarily taken away. On 15.03.2011, the market value of the acquired land was not less than Rs.2,00,00,000/- per acre.

1.4 On the other hand, while contesting the petitions, the State of

Haryana claims that the LAC has offered just, fair and adequate market value of the acquired land.

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

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

<i>PW1</i>	<i>Sh. Sanwat Singh</i>
<i>PW2</i>	<i>Sh. Krishan Kumar</i>
<i>PW3</i>	<i>Sh. Vijay Singh</i>
<i>PW4</i>	<i>Sh. Ranbir Singh</i>
<i>PW5</i>	<i>Sh. Kamal Singh Saini, Draftsman</i>
<i>PW6</i>	<i>Sh. Nand Lal</i>
<i>PW7</i>	<i>Sh. Jinesh Jain</i>
<i>PW8</i>	<i>Sh. Kailash Chand</i>
<i>PW9</i>	<i>Sh. Kashi Ram</i>
<i>PW10</i>	<i>Sh. Arvind</i>
<i>PW11</i>	<i>Sh. Ashok Kumar</i>
<i>PW12</i>	<i>Sh. Narender Singh</i>
<i>PW13</i>	<i>Smt. Rattan Devi</i>

2.2 In the documentary evidence, the landowners produced the following documentary evidence in support of their case apart from the sale deeds, a tabulated compilation whereof is incorporated in para 4.2 of the judgment:-

<i>Ex.PA</i>	<i>Copy of mutation</i>
<i>Ex.PB, Ex.P-1, Ex.P-2, Ex.P-3 and Mark A</i>	<i>Copies of sale deed</i>

2.3 In the oral evidence, the State of Haryana examined RW-1 Sh. Sajjan Singh 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 incorporated in para 4.2 of the judgment:-

Ex.R-1 to Ex.R-6	Copies of sale deed
Ex.R-7	Minutes of meeting suggesting the market value of the acquired land held under the chairmanship of Commissioner, Gurugram Division
Ex.R-8	Gazette notification under Section 4 of the 1894 Act dated 15.03.2021
Ex.R-9	Aksh-sijra (Revenue layout plan)

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 superstructures trees etc? OPP

4. Relief.”

3.2 The RC without recording any reason selected Ex.P-1, a sale deed (bearing No.641) as the guiding star for determining the market value. The RC has neither recorded any finding that the aforesaid plot is comparable with the acquired land or is the best sale exemplar of the contemporaneous period produced by the landowners. Out of the blue, the RC selected Ex.P-1 (the sale deed with respect to a residential plot measuring 11 marlas located in village Dhani Bathotha). Thus, the judgment passed by the RC is patently erroneous. The RC has also committed a

serious error in refusing to take into consideration the sale deeds produced by the State Ex.R-1 to Ex.R-6 on the ground that the sale price in the aforesaid sale deeds is lower than the amount offered by the LAC. The RC has wrongly and incorrectly interpreted Section 25 of the 1894 Act, which reads as under:-

“25. Amount of compensation awarded by Court not to be lower than the amount awarded by the Collector. - The amount of compensation awarded by the Court shall not be less than the amount awarded by the Collector under section 11.”

3.3 It is evident that Section 25 of the 1894 Act does not prohibit or debar the Court from taking into consideration the various sale deeds produced by the parties even if the price is reflected lower than the amount offered by the LAC. The only restriction is not to award an amount lesser than the amount offered by the LAC. 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.**

3.4 The RC has also committed a patent error in overlooking the sale instance Ex.R-5 (bearing No.1897) and Ex.R-6 (bearing No.3704), though these sale instances are very much the part of the Court record.

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

4.1 This Court has considered the submissions and -analysed the arguments of the learned counsel representing the parties and with their able assistance perused the paperbook along with the requisitioned record of the RC.

4.2 At this stage, it is considered appropriate to compile the complete information in respect of the 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 (K-M)	Amount (in Rs.)	Amount Per Acre (in Rs.)	Village
1	PA/PB	4715	31.03.2014	151 sq. yards	4,38,000/-	1,40,39,205/-	Narnaul
2	P-1	641	21.05.2007	11 marla	4,00,000/-	58,18,181/-	Dhani Bathotha
3	P-2	1844	15.10.2007	½ marla	48,000/-	1,53,60,000/-	Dhani Bathotha
4	P-3	4555	08.09.2011	4 marla	1,90,000/-	76,00,000/-	Dhani Bathotha
5	Mark A	6890	14.11.2011	63.27 sq. yard	15,82,000/-	12,10,19,124/-	Narnaul
SALE DEED PRODUCED BY THE STATE							
1	R-1	511	23.05.2011	2 acre 4kanal 2 marla	27,66,500/-	11,01,094/-	Shahpur Awal
2	R-2	757	09.06.2011	3 acre 17 marla	40,40,000/-	13,00,603/-	Shahpur Awal
3	R-3	1605	15.09.2011	5K-16M	4,00,000/-	5,51,724/-	Shahpur Awal
4	R-4	4566	08.09.2011	7K-5M	11,80,000/-	13,02,068/-	Shahpur Awal
5	R-5	1897	08.08.2012	1 kanal	1,70,000/-	13,60,000/-	Shahpur Awal
6	R-6	3704	19.12.2012	3K-15M	7,50,000/-	16,00,000/-	Shahpur Awal

4.3 On the one hand, the learned Senior counsel representing the landowners contends that the property abutting the Major District Road has been acquired by the State, therefore the RC has committed an error in applying deduction of 60% on the sale deed (bearing No.642), Ex.P-1. He contends that there is no basis to apply deduction of 60%.

4.4 Per contra, the learned counsel representing the State of Haryana has contends that the RC has committed a patent illegality in overlooking layout plan Ex.R-9. He submitted that the sale instances Ex.R-4 (bearing No.4566), Ex.R-5 (bearing No.1897) and Ex.R-6 (bearing No.3704) are located abutting the acquired land and these sale instances prove that the market value of the acquired land was not more than Rs.16,00,000/- per acre.

4.5 First of all, the reliance placed by the RC on sale deed bearing

No.642 (Ex.P-1) of a residential plot measuring 11 marlas located in village Dhani Bathotha in which 1260 sq. feet area was already constructed, was patently erroneous. On a careful perusal of the said sale deed, it is evident that 2 rooms, drawing room, 2 kitchens and a store had been constructed over a plot measuring 340 sq. yards located in village Dhani Bathotha. There is no evidence that the aforesaid sale instance is comparable with the acquired land. When someone travels from Narnaul to village Dhani Bathotha, village Shahpur Awal comes in the way first and then the boundary of village Dhani Bathotha starts. In such circumstances, particularly when the various sale deeds of village Shahpur Awal itself were available on the record, the RC committed a serious error in overlooking the sale deeds of the same village.

4.6 Moreover, on a careful perusal of the layout plan Ex.R-9, which has been drawn on the *aks-sijra* (revenue layout plan) it becomes crystal clear that the sale deeds Ex.R-4 (bearing No.4566), Ex.R-5 (bearing No.1897) and Ex.R-6 (bearing No.3704) are located just abutting the said acquired land. Undoubtedly, these sale instances are post the date of notification under Section 4 of the 1894 Act, however, even after the preliminary notification under Section 4 of the 1894 Act, the prices of the comparable parcels of land were not beyond Rs.16,00,000/- per acre. Ex.R-4 and Ex.R-6 are with respect to an agricultural land located in village Shahpur Awal. These plots are abutting the acquired land and are of the contemporaneous period. Hence, these sale instances were the most appropriate. However, as already noticed, the RC has selected the sale instance of the residential house of 340 sq. yards located in a different

village as a guiding star for the assessment of the market value. It is evident that the RC has failed to apply its mind on the particular facts of the case.

4.7 In such circumstances, the argument of the learned counsel representing the landowners with respect to excessive deduction becomes academic. Hence, the question regarding the correctness of deduction of 60% ordered by the RC need not to be examined.

5. **Decision:**

5.1 Consequently, the award passed by the RC is set aside and that of LAC is upheld. Resultantly, the appeals filed by the State of Haryana are accepted, whereas, the landowner's appeals shall stand dismissed. In fact, the all the reference applications filed under Section 18 of the 1894 Act by the landowners shall also stand dismissed.

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

10th November, 2022

(ANIL KSHETARPAL)
JUDGE

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Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No

SR. NO	CASE NO.	PARTIES DETAILS
1.	RFA-1192-2018	STATE OF HARYANA AND ORS V/S SANWAL SINGH AND ANR
2.	RFA-170-2019	HEERA SINGH AND ORS V/S STATE OF HARYANA AND ORS
3.	RFA-163-2019	PARAMVIR AND ANR V/S STATE OF HARYANA AND ORS
4.	RFA-165-2019	SUMITRA AND ORS V/S STATE OF HARYANA AND ORS
5.	RFA-164-2019	MADAN LAL V/S STATE OF HARYANA AND ORS
6.	RFA-476-2019	RATTAN DEVI V/S STATE OF HARYANA AND ORS

7.	RFA-162-2019	OM PRAKASH V/S STATE OF HARYANA AND ORS
8.	RFA-160-2019	MEENA RAM AND ORS V/S STATE OF HARYANA AND ORS
9.	RFA-161-2019	MEENA RAM AND ORS V/S STATE OF HARYANA AND ORS
10.	RFA-4743-2018	SANWAL SINGH V/S STATE OF HARYANA AND ORS
11.	RFA-168-2019	HOSHIAR SINGH AND ORS V/S STATE OF HARYANA AND ORS
12.	RFA-169-2019	ANIL YADAV AND ORS V/S STATE OF HARYANA AND ORS
13.	RFA-166-2019	NAND LAL V/S STATE OF HARYANA AND ORS
14.	RFA-167-2019	MANGAT RAM AND ORS V/S STATE OF HARYANA AND ORS
15.	RFA-1476-2018	VIJAY @ LALA AND ANR V/S STATE OF HARYANA AND ORS
16.	RFA-1475-2018	BHARAT SINGH AND ORS V/S STATE OF HARYANA AND ORS
17.	RFA-1291-2018	STATE OF HARYANA AND ORS V/S RATTAN DEVI
18.	RFA-1292-2018	STATE OF HARYANA AND ORS V/S SMT. SAVITA AND ANR
19.	RFA-1198-2018	STATE OF HARYANA AND ORS V/S JAGROOP SINGH AND ORS
20.	RFA-1200-2018	STATE OF HARYANA AND ORS V/S DAYA RAM AND ANR
21.	RFA-1191-2018	JINESH JAIN V/S STATE OF HARYANA & ORS
22.	RFA-1202-2018	STATE OF HARYANA AND ORS V/S MADAN LAL
23.	RFA-1351-2018	STATE OF HARYANA AND ORS V/S HEERA SINGH AND ORS
24.	RFA-1353-2018	STATE OF HARYANA AND ORS V/S JINESH JAIN
25.	RFA-1355-2018	STATE OF HARYANA AND ORS V/S RAI SINGH
26.	RFA-1374-2018	STATE OF HARYANA AND ORS V/S MEENA RAM AND ORS
27.	RFA-1196-2018	STATE OF HARYANA AND ORS V/S KAILASH CHAND
28.	RFA-1277-2018	KAILASH CHAND V/S STATE OF HARYANA AND ORS
29.	RFA-1346-2018	STATE OF HARYANA AND ORS V/S BANWARI LAL

		AND ANR
30.	RFA-1286-2018	STATE OF HARYANA AND ORS V/S BHAWANI SINGH AND ORS
31.	RFA-1287-2018	STATE OF HARYANA AND ORS V/S SURESH
32.	RFA-1288-2018	STATE OF HARYANA AND ORS V/S SMT. MADHU
33.	RFA-1823-2018	KASHI RAM V/S STATE OF HARYANA AND ORS
34.	RFA-1290-2018	STATE OF HARYANA AND ORS V/S CHAILU RAM
35.	RFA-1294-2018	STATE OF HARYANA AND ORS V/S VIJAY SINGH
36.	RFA-1194-2018	STATE OF HARYANA AND ORS V/S RAI SINGH AND ORS
37.	RFA-1201-2018	STATE OF HARYANA AND ORS V/S PARAMVIR AND ANR
38.	RFA-1345-2018	STATE OF HARYANA AND ORS V/S OM PARKASH
39.	RFA-1352-2018	STATE OF HARYANA AND ORS V/S CHHAILU RAM AND ORS
40.	RFA-1197-2018	STATE OF HARYANA AND ORS V/S KASHI RAM
41.	RFA-1425-2018	STATE OF HARYANA AND ORS V/S MEENA RAM AND ORS
42.	RFA-1295-2018	STATE OF HARYANA & ORS V/S GYANENDER DECEASED THR. LRS
43.	RFA-3157-2018	ASHOK KUMAR AND ORS V/S STATE OF HARYANA AND ORS
44.	RFA-1354-2018	STATE OF HARYANA AND ORS V/S SMT. SUMITRA AND ORS
45.	RFA-1349-2018	STATE OF HARYANA AND ORS V/S OM PARKASH
46.	RFA-1284-2018	STATE OF HARYANA AND ORS V/S BHARAT SINGH AND ORS
47.	RFA-1293-2018	STATE OF HARYANA AND ORS V/S ASHOK KUMAR AND ORS
48.	RFA-1296-2018	STATE OF HARYANA AND ORS V/S RANBIR SINGH
49.	RFA-1289-2018	STATE OF HARYANA AND ORS V/S SH. ANIL YADAV AND ORS
50.	RFA-1350-2018	STATE OF HARYANA AND ORS V/S HOSHIYAR SINGH AND ORS
51.	RFA-1474-2018	JAGROOP SINGH AND ORS V/S STATE OF HARYANA AND ORS
52.	RFA-1195-2018	STATE OF HARYANA AND ORS V/S DEVENDER KUMAR

53.	RFA-1193-2018	STATE OF HARYANA AND ORS V/S OM PARKASH
54.	RFA-1203-2018	STATE OF HARYANA AND ORS V/S MANGAT RAM AND ORS
55.	RFA-1347-2018	STATE OF HARYANA AND ORS V/S VIJAY @ LAL AND ANR
56.	RFA-2402-2019	SANWAL RAM V/S STATE OF HARYANA AND ORS
57.	RFA-2677-2021	SAVITA AND ANR V/S STATE OF HARYANA AND ORS
58.	RFA-1199-2018	STATE OF HARYANA AND ORS V/S SANWAL RAM
59.	RFA-2686-2021	RAI SINGH AND ORS V/S STATE OF HARYANA AND ORS
60.	RFA-1348-2018	STATE OF HARYANA AND ORS V/S NAND LAL
61.	RFA-1477-2018	DAYA RAM AND ANR V/S STATE OF HARYANA AND ORS.

(ANIL KSHETARPAL)
JUDGE