

In the High Court of Punjab and Haryana, at Chandigarh

**Regular First Appeal No. 1509 of 2018 (O&M)
And Other Connected Cases**

**Date of Decision: 11.11.2022
Reserved On: 29.10.2022**

Krishan Kumar and Another

... Appellant(s)

Versus

State of Haryana and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. P.K.Ganga, Mr. Jagjot Singh Gill,
Mr. Khushman Dandiwal, Mr. J.S.Thind,
Mr. Balsher Singh, Mr. Ajay Sharma, Mr. K.S.Godara,
Mr. Dheeraj narula, Mr. S.K.Jain, Mr. Deepak Jain,
and Mr. Akshay Jain, Advocates for the landowners.

Mr. Shivendra Swaroop, Assistant Advocate General,
Haryana, for the respondents.

Anil Kshetarpal, J.

1. Introduction and Background

1.1 While praying for the modification of the market value of the acquired land assessed in the Reference Court's (hereinafter referred to as "the RC") award dated 12.10.2017, the landowners have filed this batch of appeals (detail whereof is at the foot of the judgment).

1.2 The notification under Section 4 and 6 of the Land Acquisition Act, 1964 (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

common judgment.

1.3 The relevant particulars of the acquisition for the purpose of deciding this batch of appeals are as under:-

S.NO.	TITLE	DETAILS
1.	Date of Notification under Section 4 of the 1894 Act.	19.02.2013
2.	Date of Notification under Section 6 of the 1894 Act.	26.08.2013
3.	Purpose of Acquisition.	For the construction of Ratta Khera Kharif Channel (Drain).
4.	Location, area and nature of the acquired land	The acquired land is located in village Karamgarh, Tehsil and District Sirsa.
5.	Number and Date of the Award of the Land Acquisition Collector.	Vide Award No. 06 dated 14.10.2013, the LAC has acquired the land measuring 137 kanals and 14 marlas, located in village Karamgarh, Tehsil and District Sirsa.
6.	Amount assessed by the Land Acquisition Collector.	The LAC has offered to pay the market value of the acquired land located in village village Karamgarh, Tehsil and District Sirsa @ ₹12,75,000/- per acre.
7.	Date of the judgment of the Reference Court.	12.10.2017
8.	Amount determined by the Reference Court.	The RC has assessed the market value of the acquired land @ ₹20,00,000/- per acre along with all the statutory benefits.

2. Facts

2.1 Dissatisfied with the amount offered by the LAC, on the application filed by the landowners, the cases were referred to the Court for re-assessment of the market value of the acquired land. The landowners claimed that the acquired land is not only located near the residential area of the village, but also near to the pucca road. While claiming that the market value of the acquired land was not less than ₹1,00,00,000/- per acre, the

landowners also claim that they are entitled to benefits under the Right to

Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as “the 2013 Act”). The damages on account of bifurcation of the land in two different parcels have also been sought.

2.2 The State of Haryana, while contesting the petitions, claimed that the LAC has assessed the amount as per the recommendations of the Divisional Level Price Evaluation Committee, headed by the Commissioner, Hisar Division, Hisar. The Committee, after considering all aspects of the matter, has proceeded to assess ₹12,75,000/- per acre as the market value of the acquired land, which was accepted by the LAC. While claiming that the amount offered by the LAC is just, fair and adequate, the State prayed for dismissal of the petitions.

2.3 The RC, on appreciation of pleadings, has culled out the following issues:-

- “1. What was the prevailing market price of the acquired land as on the date of notification under section 4 of the Land Acquisition Act?OPP.
2. Whether the petitioners are entitled to enhancement of compensation on the grounds mentioned in the petitions as prayed for?OPP.
3. Whether the petitioners are not maintainable ?OPR
4. Relief.”

3. Evidence Produced by the Parties

3.1 In oral evidence, the landowners, in appeal, along with the other petitioners examined the following witnesses:-

Sr. No.	Name of the Witness	Particulars of the Witness
1.	PW.1 Tej Singh	Petitioner
2.	PW.2 Mulkh Raj	Petitioner
3.	PW.3 Kamal Bansal	Petitioner

3.2 In documentary evidence, the landowners have produced the following documentary evidence, apart from a copy of the sale deed, detail whereof has been given in the table in para 3.6 of the judgment:-

Sr. No.	Exhibit Number	Description of the document
1.	Ex.PA	Aks Sizra
2.	Ex.PB	Form LA
3.	Ex.PC	Form LA
4.	Ex.PD	Certified copy of LAC’s Award no.6 dated 14.10.2013 in respect of the acquired land in village Karamgarh.
5.	Ex.PE	Certified copy of LAC’s Award no.6 dated 14.10.2013 in respect of the acquired land in village Karamgarh
6.	Ex.PF	Certified copy of LAC’s Award no.19 dated 12.6.2015 in respect of the acquired land in village Sahuwala-1
7.	Ex.PG	Certified copy of LAC’s Award no.6 dated 14.10.2014 in respect of the acquired land in village Fatehpuria
8.	Ex.PH	Certified copy of Award no.6 dated 17.7..2013
9.	Ex.PJ	Certified copy of LAC’s award no.3 dated 10.9.2014 in respect of the acquired land in village Kussar
10.	Ex.PK	Certified copy of Award no. 5 dated 7.10.2014 in respect of the acquired land in village Nanuana
11.	Ex.PL	Certified copy of Collector rate for the year 2012-2013
12.	Ex.PM	Certified copy of Collector rate for the year 2014-2015
13.	Ex.PN	Certified copy of collector rate for the year 2015-2016
14.	Ex.PO	Certified copy of site plan of village Karamgarh
15.	Ex.PP	Certified copy of LAC’s Award no.3 dt. 26.10.2016 in respect of the acquired land in village Karamgarh

Sr. No.	Exhibit Number	Description of the document
16.	Ex.PQ	Certified copy of Aks Sijra

3.3 On the other hand, in oral evidence, the State has examined RW.1 Sh.D.K.Garg, Sub Divisional Officer, Panjuana.

3.4 In documentary evidence, the State of Haryana has produced and proved three sale deeds, a tabulated compilation of which is incorporated in para 4.5 of the judgment.

3.5 In rebuttal evidence, the landowners have tendered the following documents:-

Sr. No.	Exhibit Number	Description of the document
1.	Ex.PX	Report (Minutes of meeting of Divisional Committee)
2.	Ex.PY	Site plan

3.6 At this stage, it would be appropriate to draw a tabulated compilation of the sale deeds produced by the State of Haryana, which is extracted as under:-

Sr. No.	Exhibit No.	Sale Deed No.	Dated	Area	Amount (In ₹)	Name of Village	Rate Per acre (In ₹)
1.	P1	5498	25.11.2013	10M	3,03,000	Chamal	48,40,000
2.	R1	5928	19.10.2012	24 K	36,00,000	Karamgarh	12,00,000
3.	R2	158	10.04.2012	2 K	3,00,000	Karamgarh	12,00,000

4. Discussion and Analysis by this Court

4.1 After observing that while assessing the market value, certain amount of guess work is inevitable, the RC has observed that the award passed by the LAC neither contains any reason for awarding the amount in question nor proposes any formula of its own to arrive at an amount in question. Thereafter, the RC, while refusing to rely upon the sale deeds

reflected in those sale deeds is lower than the amount offered by the LAC , has relied upon the report (Ex.PX) i.e. minutes of meeting held on 21.09.2013 of the Divisional Level Committee, under the Chairmanship of the Commissioner, Hisar Division, Hisar. The RC, after noticing that the market value assessed by the Committee was ₹19,00,000/- per acre, proceeded to assess the market value of the acquired land @ ₹20,00,000/- per acre. The RC has also held that the landowners shall be entitled to 40% of the market value of the acquired land on account of bifurcation of their remaining land holdings in two separate parcels.

4.2 Heard the learned counsel representing the parties, at length and with their able assistance, perused the judgment passed by the RC along with the requisitioned record.

4.3 The RC has committed an error while observing that the LAC has not given any reasons to declare that the landowners of the acquired land shall be payable an amount @ ₹12,75,000/- per acre. The RC has also committed an error in refusing to take into consideration the sale deeds produced by the State of Haryana in support of their case on the ground that the price reflected in the aforesaid sale deeds is lower than the amount offered by the LAC in this acquisition. The opinion formed by the RC is incorrect in view of the judgment rendered by the Supreme Court in ***Lal Chand vs. Union of India and Another, (2009) 15 SCC 769.***

4.4 The RC has also erred in relying upon the report (Ex.PX) i.e. minutes of meeting held on 21.09.2013 of the Divisional Level Committee.

The members of the Committee requested the District Revenue Officer, Sirsa, to completely read out the Collector's rates fixed for the purpose of

registration of the documents and the average rate prevailing during the period upto one year post the date of notification under Section 4 of the 1894 Act. The District Revenue Officer has informed the members of the Committee that in village Karamgarh, the average market rate is ₹19,00,000/- per acre. The RC has erred in overlooking the fact that the members of the Committee did not accept the correctness of the information supplied by the District Revenue Officer while assessing the market value @ ₹20,00,000/- per acre. In fact, the RC has not recorded any reason to assess the market value of the acquired land @ ₹20,00,000/- per acre. It is also evident that the document (Ex.PX) has been partially read by the RC. As already noticed, the landowners have only produced the sale deed No. 5928 dated 25.11.2012 (Ex.P1) with respect to a tiny plot of 10 marlas only. The aforesaid tiny plot of 10 marlas located in village Chamal is not comparable with the acquired land. Thus, the RC has correctly refused to rely upon the same. The aforesaid sale instance pertains to the period post the date of notification under Section 4 of the 1894 Act i.e. 19.02.2013. The State has produced two sale instances of the land located in village Karmgarh. Through the sale deed No. 5498 dated 25.11.2012, 2 acres of land has been sold for ₹ 36,00,000/-. The per acre price comes to ₹12,00,000/-. This is four months post the date of notification under Section 4 of the 1894 Act. Thus, it is evident that in village Karamgarh, the agricultural land was being sold @ ₹12,00,000/- per acre at the relevant time.

4.5 The correctness of the findings of the RC with regard to damages on account of bifurcation of the land has not been questioned. The

assessment made by the RC.

5. Decision

5.1 Keeping in view the aforesaid discussion, there is no scope for further enhancement in the market value of the acquired land assessed by the RC. Consequently, the appeals filed by the landowners are dismissed.

5.2 The miscellaneous application(s) pending, if any, in all the appeals, shall stand disposed of.

(Anil Kshetarpal)
Judge

November 11, 2022
“DK”

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

Sr. No.	Case No.	Party’s Name
1.	RFA-666-2018	MAJOR SINGH AND OTHERS V/S STATE OF HARYANA AND ANR
2.	RFA-965-2018	JAGSEER SINGH & ORS V/S STATE OF HARYANA & ORS
3.	RFA-966-2018	RAMESHWAR & ORS V/S STATE OF HARYANA & ORS
4.	RFA-967-2018	KESRA AND ORS V/S STATE OF HARYANA AND ORS.
5.	RFA-968-2018	BIRBAL DECEASED THROUGH LRS V/S STATE OF HARYANA AND ORS.
6.	RFA-1380-2018	SHRI SARV HIT KARINI SABHA TRUST SIRSA THR ITS CASHIER/TRESURER V/S STATE OF HARYANA AND ORS
7.	RFA-1382-2018	DHARAM PAL V/S STATE OF HARYANA AND ANR.
8.	RFA-1510-2018	CHANDER PATTI V/S STATE OF HARYANA AND ANR
9.	RFA-1556-2018	OM PARKASH & ORS V/S STATE OF HARYANA AND ANR
10.	RFA-1809-2018	KAMAL BANSAL V/S STATE OF HARYANA AND ANR
11.	RFA-1810-2018	PAWAN KUMAR V/S STATE OF HARYANA AND ANR
12.	RFA-2210-2018	SAVITA GUPTA V/S STATE OF HARYANA AND ANR
13.	RFA-2284-2018	GURDEV SINGH & ORS V/S STATE OF

Sr. No.	Case No.	Party’s Name
		HARYANA & ANR
14.	RFA-2285-2018	GURDEV SINGH & ORS V/S STATE OF HARYANA AND ANR
15.	RFA-146-2019	PARMESHWARI BAI (SINCE DECEASED) THROUGH LRS V/S STATE OF HARYANA AND ANR
16.	RFA-127-2020	MULAKH RAJ AND OTHERS V/S STATE OF HARYANA AND ANOTHER
17.	RFA-238-2020	KAKO (SINCE DECEASED) THROUGH HER LRS AND OTHERS V/S STATE OF HARYANA AND ANOTHER
18.	RFA-2121-2021	AMARJEET KAUR V/S STATE OF HARYANA AND ORS

November 11, 2022
“DK”

(Anil Kshetarpal)
Judge