

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA-2357-2017 (O&M)
Date of decision: 21.11.2022

RAGHUNATH SINGH AND ORS. ..Appellants

Versus

STATE OF HARYANA AND ORS. ..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. J.P. Sharma, Advocate
Mr. Sanjiv Gupta, Advocate
Mr. Sanjay Mittal, Advocate
for the landowners.

Mr. Shivendra Swaroop, AAG, Haryana.

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 (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, 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	11.02.2011
2.	Declaration under Section 6 was issued.	05.05.2011
3.	Area of land	83 kanals and 4 marlas
4.	Location of land	Village Sisoth, District Mahendergarh
5.	Purpose of acquisition	(widening and for four-laning), maintenance, management and operation of State Highway-17 from Narnaul to Khudana.
6.	Number and date of LAC award	Award No.30 dated 11.09.2012
7.	Amount assessed by the LAC	The LAC offered to pay the market value with all the statutory benefits of the acquired land measuring 83 kanals and 4 marlas at the rate of Rs.1,30,00,000/- per acre.
8.	Date of RC's award	16.09.2016
9.	Amount assessed by the RC	The RC has assessed the market value with all the statutory benefits at the rate of Rs.1,59,00,000/- per acre.

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. It is claimed that the acquired land is adjacent to the main road and the market value of the acquired land is much more than the amount offered to the landowners. It is claimed that the acquired land has great potential to be developed as a residential/commercial area and its market value was not less than Rs.2,00,00,000/- per acre. The landowners claim the compensation at the rate of Rs.3,00,00,000/- 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 for the acquired land.

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

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

<i>PW-1</i>	<i>Ved Pal</i>
<i>PW-2</i>	<i>Jagdish Prasad</i>
<i>PW-3</i>	<i>Jogender Singh</i>

2.2 In the documentary evidence, the following documents were produced by the landowners (apart from the sale deeds, a tabulated compilation of which is provided in para 4.2 of the judgment):-

<i>Ex.P-1</i>	<i>Collector rate</i>
<i>Ex.P-2</i>	<i>Certified copy of sale deed</i>
<i>Ex.P-3</i>	<i>Copy of award No.32 dated 05.10.2012</i>
<i>Ex.P-4</i>	<i>Certified copy of controlled area plan.</i>

2.3 In the rebuttal evidence, the following documents were produced by the landowners :-

<i>Ex.P-5 to Ex.P-9</i>	<i>Copies of sale deeds</i>
<i>Ex.P-10</i>	<i>Copy of letter</i>
<i>Ex.P-11</i>	<i>Copy of resolution</i>
<i>Ex.P-12</i>	<i>Copy of notification town and country planner department</i>
<i>Ex.P-13</i>	<i>Copy of award No.30</i>

2.4 On the other hand, the State of Haryana in their oral evidence examined RW-1 Sh. Kamaldeep Rana, SDO, PWD B&R.

2.5 In the documentary evidence, the State of Haryana produced the following documents apart from the sale deeds, a tabulated compilation whereof is extracted in para 4.2 of the judgment:-

Ex.R-1 Ex.R-4	to	Certified copy of sale deeds
Ex.R-5		Photocopy of Collector/Committee report
Ex.R-6 Ex.R-9	to	Certified copies of mutations
Ex.R-10		Certified copy of aks-Shijra (Revenue layout plan)

3. **Analysis of the reasons recorded by the RC's:**

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

- “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 after noticing that the sale deeds Ex.P-2 (bearing No.6309) and Ex.P-5 (bearing No.5053) are with respect to the period post the date of notification under Section 4 of the 1894 Act, refused to rely upon the same. Similarly, the sale deeds Ex.P-6 (bearing No.1476), Ex.P-7 (bearing No.947) were also not taken into consideration as these relate to tiny plots. However, the Court without recording any finding that the parcel of land represented by sale deed Ex.P-8 (bearing No.1174) is comparable with the acquired land, relied upon the same. Thereafter, the RC applied deduction @ 50% in order to assess the market value of the acquired land at

the rate of Rs.1,59,00,000/- per acre. The sale deeds produced by the State of Haryana Ex.R-1 to Ex.R-4 were kept out of the consideration while assessing the market value of the land in view of Section 25 of the 1894 Act.

3.3 The RC has committed yet another blunder. It has proceeded to assess the amount of the market value on the date of award which is in violation of Section 23 of the 1894 Act.

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

4.1. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook along with the requisitioned record of the Courts below.

4.2 At this stage, it is considered appropriate to compile the complete information with respect to 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	P-2	6309	22.09.2011	1620 sq. yards	16,33,000/-	48,78,839/-	Sisoth
2	P-5	5053	18.08.2011	2K-1M	12,10,000/-	47,21,951/-	Sisoth
3	P-6	1476	13.09.2010	163.52 sq. yards	27,50,000/-	8,13,96,771/-	Ward No.2, Mahendergarh
4	P-7	947	19.07.2010	44 sq. yard	8,80,000/-	9,68,00,000/-	Ward No.2, Mahendergarh
5	P-8	1174	16.08.2010	265 sq. yard	15,90,000/-	2,90,40,000/-	Ward No.1, Mahendergarh
6	P-9	1954	08.10.2010	250 sq. yards	12,50,000/-	2,42,00,000/-	Ward No.2, Mahendergarh
SALE DEED PRODUCED BY THE STATE							
1	R-1	173	28.04.2010	2 Acre 4K-8M	28,05,000/-	11,00,000/-	Sisoth
2	R-2	1874	27.10.2010	1 Acre	20,00,000/-	20,00,000/-	Sisoth
3	R-3	2081	22.11.2010	1 Acre 6K-6M	32,40,000/-	18,12,587/-	Sisoth
4	R-4	10407	20.03.2012	6 kanal	22,50,000/-	30,00,000/-	Sisoth

4.3. It may be noted here that in as many as four Regular First Appeals, the service is incomplete. It may be noted here that all the reference petitions were consolidated by the RC and the main judgment was delivered

in lead case namely “Mukesh Kumar Vs. State of Haryana”. All the parties have led their evidence in this case. The learned counsel representing the parties in the remaining 95 Regular First Appeals are present. Hence, these four appeals are also disposed of while granting the liberty to the landowners to file an application for modification, if so advised.

4.4 The RC has erred in placing reliance on sale deed Ex.P-8 (bearing No.1174) dated 16.08.2010, with respect to 8 marlas (265 sq. yards) residential plot located in Adarsh Nagar, Mahendergarh. It is evident that the aforesaid sale instance is with respect to a tiny residential plot located in a developed colony. Hence, the same is not comparable with the acquired agricultural land. On reading of the endorsement of the Registrar, it is evident that this plot is with respect to the residential area. A layout plan attached with the sale deed corroborates the aforesaid fact. Ordinarily, an acre of land consists of 4840 sq. yards. There are 160 marlas in each acre of land. This plot is only with respect to 8 marlas. Moreover, this land is located in village Mahendergarh (which is a part of the city), whereas, the acquired land is located in village Sisoith.

4.5 The RC has also erred in wrongly interpreting Section 25 of the 1894 Act in order to keep the sale instances Ex.R-1 to Ex.R-4 out of the consideration. Even though these sale instances reflect a price lower than the amount offered by the LAC but they cannot be kept out of the consideration. Section 25 of the 1894 Act only debars the Court from awarding the amount lower 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.**

4.6 It is also evident that the State of Haryana has produced as many as four sale deeds in evidence. The sale instances Ex.R-1 (bearing No.173), Ex.R-2 (bearing No.1874) & Ex.R-3 (bearing No.2081) are with respect to the various parcels of land located in village Sisoth. These sale instances clearly indicate that the land was being sold at the relevant time at a price lower than the amount offered by the LAC. Moreover, the sale instance Ex.R-4 (bearing No.10407) also indicates that even during the period post the date of notification under Section 4 of the 1894 Act, the prices of the comparable parcel of land did not witness any steep increase in the market value.

5. **Decision:**

5.1 Keeping in view the aforesaid facts, the award passed by the RC is set aside while the amount offered by the LAC in its award No.30 dated 11.09.2012, is upheld.

5.2 Consequently, the appeals filed by the State of Haryana are accepted/allowed, whereas, that of the landowners shall stand dismissed.

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

21st 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-2357-2017	RAGHUNATH SINGH AND ORS V/S STATE OF HARYANA AND ORS
2.	RFA-2358-2017	KHUSHI RAM AND ORS V/S STATE OF HARYANA AND ORS
3.	RFA-2359-2017	RAM SAROOP AND ORS V/S STATE OF HARYANA

		AND ORS
4.	RFA-2360-2017	MUKESH KUMAR V/S STATE OF HARYANA AND ORS
5.	RFA-2569-2017	RAJENDER AND ORS V/S STATE OF HARYANA AND ORS
6.	RFA-2570-2017	GHISA AND ORS V/S STATE OF HARYANA AND ORS
7.	RFA-2571-2017	OM PRAKASH AND ORS V/S STATE OF HARYANA AND ORS
8.	RFA-2572-2017	ABHEY SINGH AND ORS V/S STATE OF HARYANA AND ORS
9.	RFA-2573-2017	SUBE SINGH AND ORS V/S STATE OF HARYANA AND ORS
10.	RFA-2579-2017	VIKASH V/S STATE OF HARYANA AND ORS
11.	RFA-2583-2017	BHAWANI SINGH AND ORS V/S STATE OF HARYANA AND ORS
12.	RFA-2584-2017	OM PRAKASH @ OM PARKASH AND ORS V/S STATE OF HARYANA AND ORS
13.	RFA-2585-2017	OM PRAKASH AND ORS V/S STATE OF HARYANA AND ORS
14.	RFA-2586-2017	SUDHIR KUMAR V/S STATE OF HARYANA AND ORS
15.	RFA-3244-2017	STATE OF HARYANA AND ORS V/S MUKESH KUMAR
16.	RFA-3245-2017	STATE OF HARYANA AND ORS V/S PRABHATI DECEASED THR. HIS LR _s
17.	RFA-3246-2017	STATE OF HARYANA AND ORS V/S HARI SINGH & ORS
18.	RFA-3247-2017	STATE OF HARYANA AND ORS V/S MAHAVIR & ORS
19.	RFA-3248-2017	STATE OF HARYANA AND ORS V/S AMI LAL
20.	RFA-3249-2017	STATE OF HARYANA AND ORS V/S SUBE SINGH & ORS
21.	RFA-3250-2017	STATE OF HARYANA AND ORS V/S ALKA
22.	RFA-3251-2017	STATE OF HARYANA AND ORS V/S DHARAMPAL & ORS
23.	RFA-3252-2017	STATE OF HARYANA AND ORS V/S GHISA & ORS
24.	RFA-3253-2017	STATE OF HARYANA AND ORS V/S RAM SAROOP & ORS
25.	RFA-3254-2017	STATE OF HARYANA AND ORS V/S LAXMI NARYAN
26.	RFA-3255-2017	STATE OF HARYANA AND ORS V/S RAJENDER & ORS
27.	RFA-3256-2017	STATE OF HARYANA AND ORS V/S HAR LAL
28.	RFA-3257-2017	STATE OF HARYANA AND ORS V/S OMPARKASH AND ORS

29.	RFA-3258-2017	STATE OF HARYANA AND ORS V/S SURAT SINGH & ORS
30.	RFA-3259-2017	STATE OF HARYANA AND ORS V/S ALKA
31.	RFA-3260-2017	STATE OF HARYANA AND ORS V/S MAHAVIR & ORS
32.	RFA-3261-2017	STATE OF HARYANA AND ORS V/S OM PARKASH & ORS
33.	RFA-3262-2017	STATE OF HARYANA AND ORS V/S DHARMA AND ORS
34.	RFA-3263-2017	STATE OF HARYANA AND ORS V/S SUDHIR KUMAR
35.	RFA-3264-2017	STATE OF HARYANA AND ORS V/S NARENDER & ORS
36.	RFA-3265-2017	STATE OF HARYANA AND ORS V/S KHUSHI RAM & ORS
37.	RFA-3266-2017	STATE OF HARYANA AND ORS V/S RAJENDER AND ORS
38.	RFA-3267-2017	STATE OF HARYANA AND ORS V/S OM PARKASH AND ORS
39.	RFA-3268-2017	STATE OF HARYANA AND ORS V/S RAJ KUMAR
40.	RFA-3284-2017	STATE OF HARYANA AND ORS V/S MUKESH KUMAR
41.	RFA-3285-2017	STATE OF HARYANA AND ORS V/S RAGUNATH SINGH & ORS
42.	RFA-3286-2017	STATE OF HARYANA AND ORS V/S BHAWANI SINGH & ORS
43.	RFA-3287-2017	STATE OF HARYANA AND ORS V/S GHISH RAM AND ORS
44.	RFA-3288-2017	STATE OF HARYANA AND ORS V/S ABHEY SINGH & ORS
45.	RFA-3321-2017	LAXMI NARAIN V/S STATE OF HARYANA AND ORS
46.	RFA-3400-2017	STATE OF HARYANA AND ORS V/S VIKASH AND ORS
47.	RFA-3451-2017	STATE OF HARYANA & ORS V/S BISHAN DAYAL MEHTA & ORS
48.	RFA-5610-2017	ALKA V/S STATE OF HARYANA AND ORS
49.	RFA-3061-2018	ALKA V/S STATE OF HARYANA AND ORS

**(ANIL KSHETARPAL)
JUDGE**