

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

**RFA-9589-2014 (O&M)
Date of decision: 20.04.2022**

BADRI AND ORS.

..Appellants

Versus

STATE OF HARYANA AND ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. G.S. Punia, Advocate
with Mr. P.S. Sullar, Advocate

Mr. S.P. Chahar, Advocate
Mr. Dinesh Arora, Advocate
Mr. Sushil Sharma, Advocate
Mr. M.L. Sharma, Advocate
for the landowners.

Mr. Shivendra Swaroop, AAG, Haryana
Ms. Vibha Tewari, AAG, Haryana.

ANIL KSHETARPAL, J(Oral)

CM-1510-CI-2022

This is an application under Order XLI Rule 27 of the Code of Civil Procedure, 1908, for permission to lead additional documentary evidence. The appellant wishes to produce the following documents:-

1. A copy of the judgment in State of Haryana and others Vs. Ramphal, RFA-1838-2011 and other connected cases, decided on 28.01.2016.
2. A copy of the order passed by the Supreme Court on 11.08.2017, while dismissing SLP(C) Diary No.28229 of 2016, titled as “Raghubir Singh and others Vs. State of Haryana and others” while dismissing the SLP.
3. A copy of notification under Section 4 of the Land Acquisition Act, 1894, issued on 13.08.2001.
4. Draft development plan 2031 A.D.

It has been contended that by a common notification issued under Section 4 of the Land Acquisition Act, 1894, the land of villages Sunaria Khurd, Dobh, Karor, Maina, Kharawar and Pehrawar, was acquired. The aforesaid judgment relates to the acquired land located in villages Sunaria Khurd, Dobh, Karor, Maina and Kharawar, whereas, the present case relates to acquired land in village Pehrawar. It has been contended that the

High Court has assessed the market value of the acquired land of villages Sunaria Khurd, Dobh, Karor, Maina and Kharawar at the rate of Rs.15,52,500/-. This judgment has been upheld by the Supreme Court. In order to show the location of the acquired land, a layout plan has also been produced.

It may be noted here that the land was acquired for the construction of a bypass road for Rohtak town. Hence, a long strip of land was acquired. The acquired land is not in a compact block. The acquired land of each village has its own potential and the Court is required to assess the market value on the basis of the evidence led. It would not be appropriate for the Court to rely upon the assessment made by the Court with respect to the land located in different villages, particularly when there is no evidence to prove that the acquired land of the aforesaid villages was comparable to the acquired land in village Pehrawar. Reliance in this regard can be placed on **“Manoj Kumar etc. Vs. State of Haryana and others, (2018) 13 SCC 96.** Consequently, the aforesaid additional evidence even if taken into consideration does not advance the case of the landowners.

Main

For orders, see order of even date passed in **Regular First Appeal No.5078 of 2012**, titled as **“Chandrakala and others Vs. State of Haryana and others”.**

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

April 20th, 2022

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**(ANIL KSHETARPAL)
JUDGE**

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