

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA-2842-2017 (O&M)
Reserved on: 21.11.2022
Date of decision: 07.12.2022

SURAT 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. Shashikant Gupta, Advocate
Mr. Manish Mehta, Advocate
for the landowners.

Mr. Shivendra Swaroop, AAG, Haryana.

ANIL KSHETARPAL, J.

1. **Introduction and background:**

1.1 While praying for modification of the market value assessed in the award passed by the Reference Court (hereinafter referred to as 'the RC') on account of compulsory acquisition of land, the State of Haryana as well as the landowners 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 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.	Title	Particulars
1.	Preliminary notification under Section 4 of the 1894 Act	01.03.2011
2.	Area of the acquired land	15 kanals and 13 marlas
3.	Location of the acquired land	Village Khayra
4.	Purpose of acquisition	Construction of road (widening/four laning etc) maintenance, management and operation of Major District Road-129 from Narnaul to Khudana
5.	Declaration under Section 6 of the 1894 Act was issued.	08.07.2011
6.	Number and date of LAC award	Award No.27 dated 24.07.2012
7.	Amount assessed by the LAC	The LAC offered to pay the market value of the acquired land measuring 15 kanals and 13 marlas at the rate of Rs.40,00,000/- per acre.
8.	Date of RC's award	17.10.2016
9.	Amount assessed by the RC	The RC assessed the market value of the acquired land at the rate of Rs.1,44,00,000/- per acre.

FACTS:

1.3 Dissatisfied with the amount offered by the LAC for involuntary acquisition of their land, on the applications filed by the landowners under Section 18 of the 1894 Act, as many as 20 cases were referred to the RC for reassessing the market value of the acquired land. The RC, after consolidating all the cases, decided the same vide impugned judgment dated 17.10.2016. The landowners claimed that the LAC has undervalued their land, though, it has the potential to be used for commercial purpose. It is submitted that the acquired land is located adjacent to State Highway No.17 and the market value of the land is around Rs.2,00,00,000/- per acre.

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

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

- “1. What was the market value of the acquired land on the date of issuing notification under Section 4 of the Land Acquisition Act, 1894? OPP
2. Whether the petitioners are entitled for enhanced compensation, if so, at what rate? OPP
3. Whether the petitioners are entitled to get compensation on account of superstructure? OPD
4. Relief.”

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

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

PW-1	Sh. Ram Kishan
PW-2	Sh. Hajari Lal
PW-3	Sh. Jogender Singh, Draftsman
PW-4	Sh. Ram Niwas
PW-5	Sh. Om Prakash
PW-6 & PW-7	Sh. Vinod Kumar Aggarwal
PW-8	Sh. Rattan Lal
PW-9	Sh. Arun Kumar

2.2 In documentary evidence, the landowners produced the following evidence in support of their case apart from the sale deeds, a tabulated compilation of which is given in para 4.4:-

Ex.P-1 to P-4	Copies of sale deeds
Ex.PW3/A	Copy of the site plan
Ex.PW4/A	Copy of the revised Collector's rate
Ex.P-6 and Ex.P-7	Copies of the notification

2.3 The State of Haryana did not examine any witness in oral evidence, however, the following documents were produced in the documentary evidence apart from the sale deeds, a tabulated compilation of which is given in para 4.4:-

<i>Ex.R-1</i>	<i>Copy of the aks-shijra</i>
<i>Ex.R-2</i>	<i>Photocopy of the rate fixation of the land</i>
<i>Ex.R-3 to Ex.R-7</i>	<i>Certified copies of the sale deeds</i>
<i>Ex.R-8 to Ex.R-12</i>	<i>Certified copies of the mutations</i>
<i>Ex.R-13</i>	<i>Certified copies of the award dated 27.11.2014</i>

3. The RC has held that the sale deed Ex.P-2 is relevant for determining the market value. The sale deeds produced by the State of Haryana were kept out of consideration on the basis of Section 25 of the 1894 Act. The RC, after calculating the per acre rate at Rs.2,88,00,000/- on the basis of the price of the sale deed Ex.P-2, applied 50% development cut on the same and arrived at a figure of Rs.1,44,00,000/- per acre.

4. **Discussion and analysis by this Court:**

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

4.2 On the one hand, the learned counsel representing the landowners contends that the RC has erred in applying an excessive cut of 50% on the price of the sale deed (Ex.P-2). They submit that, at the most, 20% cut could be applied to sale deed Ex.P-2.

4.3 On the other hand, the learned counsel representing the State of Haryana contends that the sale instances produced by them have been

wrongly ignored while incorrectly interpreting Section 25 of the 1894 Act.

While relying upon the judgment passed in *Lal Chand Vs. Union of India, (2009) 15 SCC 769*, the learned counsel contends that the impugned award passed by the RC is liable to be set aside.

4.4 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, in order to have a bird's-eye view of the matter, which is as under:-

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	3310	24.03.2011	6 Marla/180 sq. yards	7,20,000/-	1,93,60,000/-	Khaira
2	P-2	1147	11.08.2010	6 Marla/180 sq. yards	10,80,000/-	2,90,40,000/-	Khaira
3	P-3	3482	19.03.2010	3 Marla/80.8 sq. yard	7,60,000/-	4,55,24,752/-	Khaira
4	P-4	1396	10.08.2009	2 Marla	2,50,000/-	2,00,00,000/-	Khaira
SALE DEED PRODUCED BY THE STATE							
1	R-3	3843	28.01.2011	1 Acre 1K-16M	35,43,625/-	28,92,755/-	Khaira
2	R-4	6785	20.10.2011	16 Kanal	30,00,000/-	15,00,000/-	Khaira
3	R-5	7418	21.11.2011	2 Acre 3K-10M	68,18,174/-	27,97,200/-	Khaira
4	R-7	6300	21.09.2011	8 Acre 3K-2M	2,08,68,699/-	24,88,071/-	Khaira
5	R-6	7076	03.11.2011	5K-13M	10,60,000/-	15,00,885/-	Khaira

4.5 The sale deeds Ex.P-1 to Ex.P-4 are with respect to small plots of land which are either with respect to residential houses or commercial shops. Ordinarily, an acre of land consists of 4840 sq. yards. There are 8 kanals in each acre of land. Hence, the area of each kanal is 605 sq. yards. There are 20 marlas in each kanal of land. Thus, each marls consists of 30.25 sq. yards area. The sale deed Ex.P-4 is with respect to 60.50 sq. yards. The sale deed Ex.P-2 is with respect to 181.50 sq. yards. On a careful reading of Ex.P-2, it is evident that a residential plot has been sold through it which is not comparable with the agricultural land.

4.6 Moreover, the State of Haryana has produced a layout plan

(Ex.R-1). From a bare perusal thereof, it is evident that a narrow strip of land abutting both sides of the road, has been acquired. The sale deed Ex.R-4 bearing No.6300 forms a part of the land comprised in rectangle No.15. This parcel of land is located just one acre away from the acquired land. In fact, some part of rectangle No.15 has also been acquired. Similarly, the sale deed bearing No.7418 Ex.R-3 forms a part of the land comprised in rectangle No.43 and 44. Some part of the land comprised in rectangle No.44 has been acquired. This parcel of land is located hardly at a distance of two and half (2 ½) acres away from the acquired land. The sale deed bearing No.7076 Ex.R-5 is also with respect to the parcel of land comprised in rectangle No.32 and 33. This parcel of land is located 7 acres away from the main road.

4.7 The landowners have produced two layout plans Ex.P-5 is a copy of the layout plan prepared by the State of Haryana notifying the controlled area under the Punjab Schedules Roads, 1963 Act. The landowners have also produced notification dated 06.08.1988 issued under Haryana Municipal Act, 1973. In this notification, the area of municipal limits of Narnaul were extended. Some part of the land located in village Khayra has also been included. However, the entire land of village Khayra has not been included in the municipal limits. Moreover, this notification does not prove or reflect the true market value of the acquired land at the relevant time.

4.8 The landowners have also produced another layout plan Ex.PW3/A, however, the location of the various parcels of land sold through the sale deeds Ex.P-1 to Ex.P-4, has not been identified. It may be noted

here that only the location of shops, hotels and workshops has been shown. However, neither the acquired land has been identified nor the various parcels of land sold through various sale deeds have been specified. Hence, Ex.PW4/A does not help the Court to assess the market value of the acquired land.

4.9 It is, thus, evident that the landowners have failed to prove that the amount offered by the LAC at the rate of Rs.40,00,000/- per acre for compulsory acquisition of the acquired land in village Khayra was inadequate.

5. **Decision:**

5.1 In view of the aforesaid discussion, the result is inevitable. The award passed by the RC on 17.10.2016, is set aside and the LAC's award is upheld, while accepting the appeals filed by the State of Haryana. Consequently, the appeals filed by the landowners are hereby dismissed.

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-2842-2017	SURAT SINGH AND ORS V/S STATE OF HARYANA & ORS
2.	RFA-3629-2017	STATE OF HARYANA AND ORS V/S RATTAN LAL
3.	RFA-3631-2017	STATE OF HARYANA AND ORS V/S SMT. BIMLA DEVI
4.	RFA-3632-2017	STATE OF HARYANA AND ORS V/S SURAT SINGH & ORS
5.	RFA-3633-2017	STATE OF HARYANA AND ORS V/S SHIV KUMAR

6.	RFA-3634-2017	STATE OF HARYANA AND ORS V/S PREM LATA
7.	RFA-3635-2017	STATE OF HARYANA AND ORS V/S AMAR SINGH & ORS
8.	RFA-3636-2017	STATE OF HARYANA AND ORS V/S VINOD KUMAR
9.	XOBJR-133-2021	STATE OF HARYANA AND ORS V/S HIRA LAL & ORS
10.	RFA-3637-2017	STATE OF HARYANA AND ORS V/S ARUN KUMAR
11.	RFA-3638-2017	STATE OF HARYANA AND ORS V/S HIRA LAL & ORS
12.	RFA-3639-2017	STATE OF HARYANA AND ORS V/S VIRENDER SINGH AND ANR
13.	RFA-3687-2017	STATE OF HARYANA AND ORS V/S RAJBALA AND ANR.
14.	RFA-3688-2017	STATE OF HARYANA AND ORS V/S AJAY KUMAR & ANR
15.	RFA-4004-2017	ARUN KUMAR V/S STATE OF HARYANA AND ORS
16.	RFA-4145-2017	VINOD KUMAR V/S STATE OF HARYANA & ORS
17.	RFA-4146-2017	RATTAN LAL V/S STATE OF HARYANA & ORS
18.	RFA-5373-2017	STATE OF HARYANA AND ORS V/S OM PARKASH & ORS
19.	RFA-88-2018	SHYAM LAL THROUGH GPA VINOD KUMAR AGGARWAL V/S STATE OF HARYANA AND ORS
20.	RFA-492-2018	OM PARKASH & ORS V/S STATE OF HARYANA & ORS
21.	RFA-349-2018	LILA RAM (SINCE DECEASED) THR. LRS V/S STATE OF HARYANA AND ORS
22.	RFA-348-2018	RAM CHANDER AND ORS V/S STATE OF HARYANA AND ORS
23.	RFA-347-2018	HAJARI LAL AND ORS V/S STATE OF HARYANA AND ORS
24.	RFA-1765-2017	AMAR SINGH AND ORS V/S STATE OF HARYANA AND ORS
25.	RFA-3630-2017	STATE OF HARYANA AND ORS V/S SHYAM LAL THR. G.P.A. VINOD AGGARWAL
26.	RFA-3642-2017	STATE OF HARYANA AND ORS V/S SULTAN SINGH AND ORS

**(ANIL KSHETARPAL)
JUDGE**