

In the High Court of Punjab and Haryana, at Chandigarh

**Regular First Appeal No. 2155 of 2018 (O&M)
And Other Connected Cases**

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

Kunta Devi and Another

... Appellant(s)

Versus

The 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 award dated 06.11.2017 passed by the Reference Court (hereinafter referred to as “the RC”), 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 are *ad idem* that this batch of appeals can conveniently be disposed of by a common judgment.

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 Rattakhera Kharif Channel (Drain)
4.	Location, area and nature of the acquired land	The acquired land is located in village Nuhianwali, Tehsil Dabwali, District Sirsa, has been acquired.
5.	Number and Date of the Award of the Land Acquisition Collector.	The LAC vide Award No. 18 dated 30.12.2013, has assessed the market value of the acquired land measuring 212 kanals and 5 marlas, located in village Nuhianwali, Tehsil Dabwali, 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 Nuhianwali, Tehsil Dabwali, District Sirsa, @ ₹12,00,000/- per acre.
7.	Date of the judgment of the Reference Court.	06.11.2017
8.	Amount determined by the Reference Court.	The RC, while deciding as many as 42 reference petitions, has assessed the market value of the acquired land @ ₹18,00,000/- per acre along with all the statutory benefits.

2. **Facts**

2.1 Dissatisfied with the amount offered by the LAC, on the applications filed by the landowners, the cases were referred to the Court. While projecting a high market value of the acquired land, the landowners have claimed that the land was fertile and capable of giving sufficient crops and that they have made the land cultivable after putting a lot of hard labour. The acquired land is canal irrigated adjacent to a residential colony and a pucca road. The landowners have also claimed the benefits under the

Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as “the 2013 Act”). They have claimed that the price of the land was not less than ₹1,00,00,000/- per acre.

2.2 While contesting the petitions, the State of Haryana has claimed that the LAC has assessed the market value on the basis of the recommendations made by the Divisional Level Committee for Fixation of Price, headed by the Commissioner, Hisar Division, Hisar. The amount offered by the LAC is fair, reasonable, adequate and appropriate.

2.3 From the pleadings of the parties, the following issues were framed by the RC:-

- “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 petition prayed for?OPP.
3. Whether the petitions are not maintainable? OPR
4. Relief.”

3. **Evidence Produced by the Parties**

3.1 The landowners, in oral evidence, have examined the following witnesses:-

Sr. No.	Name of the Witness	Particulars of the Witness
1.	PW.1 Jai Narain	Petitioner
2.	PW.2 Leeladar	Petitioner
3.	PW.3 Bhagirath	Petitioner
4.	PW.4 Rameshwar	Petitioner
5.	PW.5 Gurdeep Kaur	Petitioner

6.	PW.6 Hari Ram	Registration Clerk
7.	PW.7 Gurnam Singh	Patwari
8.	PW.8 Rattan Lal	Petitioner
9.	PW.9 Dharampal	Petitioner
10.	PW.10 Rajender Kumar	Petitioner
11.	PW.11 Raj Kumar	Petitioner
12.	PW.12 Satpal	Petitioner
13.	PW.13 Chiman Lal	Petitioner
14.	PW.14 Krishan Lal	Petitioner
15.	PW.15 Mani Ram	Petitioner
16.	PW.16 Sahib Ram	Patwari

3.2 In documentary evidence, the landowners have produced the following documents, apart from the sale deed, a tabulated compilation whereof is incorporated in para 3.5 of the judgment.:

Sr. No.	Exhibit Number	Description of the document
1.	Ex.PW.1/B	Certified copy of Jamabandi for the years 2011-12
2.	Ex.PW.2/B	Certified copy of Jamabandi for the years 2011-12
3.	Ex.P1	Certified copy of Collector’s rate for the years 2014-2015
4.	Ex.P2	Certified copy of LAC’s Award No.1 dated 27.9.2013 in respect of the acquired land in village Jodhpuria
5.	Ex.P3	Certified copy of LAC’s Award No. 6 dated 14.10.2013 in respect of the acquired land in village Karamgarh
6.	Ex.P4	Certified copy of LAC’s Award No.11 dated 22.11.2013 in respect of the acquired land in village Paniwala Mota
7.	Ex.P5	Certified copy of LAC’s Award No.13 dated 11.12.2013 in respect of the acquired land in village Ram Nagar
8.	Ex.P6	Certified copy of LAC’s Award No.12 dated 22.11.2013 in respect of the acquired land in village Shekhupuria
9.	Ex.P7	Certified copy of LAC’s Award No. 4 dated 10.9.2014 in respect of the acquired land in village Fatehpuria
10.	Ex.P8	Certified copy of LAC’s Award No.3 dated 10.9.2014 in respect of the acquired land in

Sr. No.	Exhibit Number	Description of the document
		village Kussar
11.	Ex.P9	Certified copy of LAC’s Award No.20 dated 10.1.2014 in respect of the acquired land in village Chamal
12.	Ex.P10	Certified copy of LAC’s Award No.17 dated 30.12.2013 in respect of the acquired land in village Ghukanwali
13.	Ex.P11	Certified copy of LAC’s Award No.5 dated 7.10.2014 in respect of the acquired land in village Nanuana
14.	Ex.P12 to Ex.P14	Certified copies of Akash Sizra of village Nuhianwali
15.	Ex.P15	Certified copy of Jamabandi for the year 2011-2012
16.	Ex.P17 & Ex.P25	LAC’s Award No.18 dated 30.12.2013 in respect of the acquired land in village Nuhiawali
17.	Ex.P18	Certified copy of Jamabandi for the year 2011-2012
18.	Ex.P19	Photocopy of mutation no. 4213
19.	Ex.P20	Photocopy of Jamabandi for the year 2011-2012
20.	Ex.P23 & Ex.P24	Aks Sizras of village ,Nuhianwali.
21.	Ex.P26	Aks Sizra of village, Nuhianwali.
22.	Ex.P27	Certified copy of Jamabandi for the years 2011-212
23.	Ex.P28	Photostat copy of Akash Sizra of village Nuhianwali.
24.	Ex.PW7/A	Copy of Akash Sizra of village Nuhianwali
25.	Ex.PW7/B	Certified copy of jamabandi for the year 2011-2012
26.	Ex.PW7/C	Certified copy of Akash Sizra of village Nuhianwali.
27.	Ex.PW7/D	Certified copy of Jamabandi for the years 2011-2012
28.	Ex.PW7/E	Certified copy of Akash Sizra of village Nuhianwali.
29.	Ex.PW7/F	Certified copy of Jamabandi for the years 2011-2012.

3.3 On the other hand, in oral evidence, the State has examined RW.1 Sh.Kamal Singh Solanki, Sub Divisional Officer, Kalanwali Water

Service, but did not produce any documentary evidence.

3.4 In rebuttal, the landowners have tendered the following documents:

Sr. No.	Exhibit Number	Description of the document
1.	Ex.PX	Copy of Akash Sizra of village Nuhianwali.
2.	Ex.PY	Certified copy of jamabandi for the years 2011-2012
3.	Ex.P29	Certified copy of Report of Divisional Committee dated 21.9.2013

3.5 It is considered appropriate to compile the relevant information of the various sale deeds produced by the parties in a tabulated form, which is as under:-

Sr. No.	Exhibit No.	Sale Deed No.	Dated	Area	Amount (In ₹)	Name of Village	Rate Per acre (In ₹)
1.	P16/P21	570	09.05.2014	2 K-2M	7,65,000	Nuhianwali	29,14,286
2.	P22	13647	02.12.2011	1 K	1,15,000	Nuhianwali	17,20,000

4. Discussion and Analysis by this Court

4.1 While observing that in assessing the market value of the acquired land, certain amount of guess work is inevitable, the RC has observed that the LAC has not given any reason to assess the market value of the acquired land @ ₹12,00,000/- per acre. He has further observed that the various LAC’s awards (Ex.P2 to Ex.P11) are with respect to different villages and hence, not relevant for assessing the market value of the acquired land located in village Nuhianwali. The RC has also noticed that the two sale deeds have been produced by the landowners, but the sale deed bearing No. 570 (Ex.P16/Ex.P21) is post the date of notification under Section 4 of the 1894 Act whereas, the sale deed bearing No. 13647 (Ex.P22) is with respect to a small parcel of the land measuring 1 kanal of

land which, ordinarily, is not sold or purchased for agricultural purposes.

Thereafter, the RC, while relying upon the minutes of the meeting held on 21.09.2013 of the Divisional Level Committee, headed by the Commissioner, Hisar Division, Hisar, has assessed the market value of the acquired land was @ ₹18,00,000/- per acre at the relevant time. The landowners have also been held entitled to 40% of the market value of the acquired land on account of bifurcation of land into two separate parcels.

4.2 Undoubtedly, while assessing the market value, some amount of guess work is inevitable, however, the Court is not required to see as to whether any reason has been recorded by the LAC while assessing the amount or not. The Court does not sit in appeal against the award passed by the LAC. The RC has rightly refused to rely upon the various awards passed by the LAC (Ex.P2 to Ex.P11) as these are with respect to the acquired land in different villages and no evidence has been led to show how these parcels of land are comparable with the acquired land. The sale deed (Ex.P16/Ex.P21) has correctly been ignored being post the date of notification under Section 4 of the 1894 Act. The sale deed (Ex.P22) has also been, rightly, ignored as it is with respect to the land measuring 1 kanal which, ordinarily, is not sold or purchased for agricultural purposes. Moreover, a smaller parcel of land is not comparable with the acquired land.

4.3 However, the RC has erred in relying upon the minutes of the meeting held on 21.09.2013 of the Divisional Level Committee, headed by the Commissioner, Hisar Division, Hisar. On a careful perusal of Ex.P29, it is evident that the District Revenue Officer was requested to read to the members of the Divisional level Committee the Collector's rates and the

tabulated compilation has been produced while depicting the Collector's rates fixed for the purpose of registration of documents and the projected market rates in separate columns. Against the acquired land located in village Nuhianwali, the projected market rate has been reflected as ₹18,00,000/- per acre. However, the Divisional Level Committee did not agree with the information supplied by the District Revenue Officer, Sirsa and recommended to the LAC that the acquired land in village Nuhianwali should be assessed at ₹12,00,000/- per acre, which was followed by the LAC.

4.4 Heard the learned counsel representing the parties, at length and with their able assistance, perused the paper-book as well as the record of the Reference Court, which was requisitioned.

4.5 The learned counsel representing the landowners, while praying for enhancement, claim that Ex.P22, sale deed No. 13647 dated 02.12.2011 is with respect to a parcel of land located in the same village, therefore, it has wrongly been ignored by the Reference Court while assessing the market value of the acquired land. They claim that there is a gap of more than one year between the execution of the sale deed dated 02.12.2011 (Ex.P22) and preliminary notification under Section 4 of the 1894 Act i.e. 19.02.2013. While contending that they are entitled to escalation @ 15% per annum, they claim that the market value of the acquired land should be enhanced.

4.6 Per contra, the learned counsel representing the State of Haryana has contended that the land measuring 1 kanal is a small parcel of land which, ordinarily, is not purchased or sold for the agricultural purposes.

He submits that the aforesaid sale deed is not comparable with the acquired

land measuring 212 kanals and 5 marlas.

4.7 After having analyzed the arguments of the learned counsel representing the parties, this Court is of the considered opinion that the sale instance (Ex.P22) is with respect to a tiny plot of 1 kanal which is 605 square yards. Ordinarily, an acre of land consists of 4840 square yards. The land measuring 1 kanal, ordinarily, is not purchased or sold for agricultural purposes. Hence, the RC has correctly refused to rely upon the sale deed No. 13647 (Ex.P22).

4.8 Though the judgment passed by the RC suffers from errors as the RC has selectively read Ex.P29 while placing reliance on the minutes of the meeting of the Divisional Level Committee (Ex.P29), however, the State of Haryana has not filed an appeal against the assessment made by the RC or with regard to the damages for bifurcation of the land.

5. **Decision**

5.1 Keeping in view the aforesaid discussion, 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-2156-2018	GURDEEP KAUR V/S STATE OF HARYANA AND ANR
2.	RFA-2157-2018	JAI NARAIN AND ORS V/S STATE OF HARYANA AND ORS.
3.	RFA-2159-2018	RAM KUMAR AND ORS V/S STATE OF HARYANA AND ANR

Sr. No.	Case No.	Party’s Name
4.	RFA-2160-2018	RAMESHWAR AND ORS V/S STATE OF HARYANA AND ANR
5.	RFA-2162-2018	RAM PARTAP AND ORS V/S STATE OF HARYANA AND ANR
6.	RFA-2163-2018	RAM KUMAR AND ORS V/S STATE OF HARYANA AND ANR
7.	RFA-2164-2018	SARDOOL AND ORS V/S STATE OF HARYANA AND ORS.
8.	RFA-2165-2018	RAJESH KUMAR AND ANR V/S STATE OF HARYANA AND ANR
9.	RFA-2166-2018	RAJESH KUMAR AND ANR V/S STATE OF HARYANA AND ANR
10.	RFA-2167-2018	OM PARKASH V/S STATE OF HARYANA AND ANR
11.	RFA-2490-2018	GUDDI AND ANR V/S STATE OF HARYANA AND ANR
12.	RFA-2548-2018	BHARAT SINGH AND ORS V/S STATE OF HARYANA AND ANR
13.	RFA-2549-2018	DEVI LAL AND ORS V/S STATE OF HARYANA AND ORS.
14.	RFA-2550-2018	SMT. SUKKHIYA AND ORS V/S STATE OF HARYANA AND ORS.
15.	RFA-2664-2018	PARMESHWARI DEVI V/S STATE OF HARYANA AND ORS
16.	RFA-2665-2018	KRISHAN LAL V/S STATE OF HARYANA AND ORS
17.	RFA-2666-2018	MANI RAM V/S STATE OF HARYANA AND ORS
18.	RFA-2667-2018	CHIMAN LAL V/S STATE OF HARYANA AND ORS
19.	RFA-2668-2018	ARKO DEVI V/S STATE OF HARYANA AND ORS
20.	RFA-2678-2018	BALRAM V/S STATE OF HARYANA AND ORS
21.	RFA-2747-2018	SATPAL AND ORS V/S STATE OF HARYANA AND ORS
22.	RFA-2748-2018	SATPAL AND ORS V/S STATE OF HARYANA AND ORS
23.	RFA-3190-2018	LAL CHAND AND ORS V/S STATE OF HARYANA AND ANR
24.	RFA-3240-2018	GOPI RAM AND ORS V/S STATE OF HARYANA AND ORS.
25.	RFA-3459-2018	DULI CHAND AND ORS V/S STATE OF HARYANA AND OTHERS
26.	RFA-3460-2018	SAVITRI (SINCE DECEASED) THR. HER LRS AND ORS V/S STATE OF HARYANA AND ORS
27.	RFA-4061-2018	RATTAN LAL V/S STATE OF HARYANA AND ORS
28.	RFA-6291-2018	RAM PARTAP SINCE DECEASED THR. HIS LRS & ORS V/S STATE OF HARYANA AND ORS

(Anil Kshetarpal)
Judge

November 11, 2022
“DK”