

In the High Court of Punjab and Haryana, at Chandigarh

1. Regular First Appeal No. 3040 of 2018 (O&M)

Smt. Chand Kauri

... Appellant(s)

Versus

State of Haryana and Another

... Respondent(s)

2. Regular First Appeal No. 2075 of 2018 (O&M)

Jagdish

... Appellant(s)

Versus

State of Haryana and Another

... Respondent(s)

3. Regular First Appeal No. 3243 of 2018 (O&M)

Gurdev Singh and Another

... Appellant(s)

Versus

State of Haryana and Another

... Respondent(s)

4. Regular First Appeal No. 4228 of 2019 (O&M)

Sukhdev Singh and Another

... Appellant(s)

Versus

State of Haryana and Another

... Respondent(s)

AND

5. Regular First Appeal No. 4229 of 2019 (O&M)

Sukhdev Singh and Another

... Appellant(s)

Versus

State of Haryana and Another

... Respondent(s)

**DATE OF DECISION: 11.11.2022
RESERVED ON: 29.10.2022**

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. S.K.Jain, Advocate
for the appellant(s) (In RFA-3040-2018 and RFA-2075-2018).

Mr. P.K.Ganga, Advocate
for the appellant(s) (In RFA-3243-2018, RFA-4228-2019 and
RFA-4229-2019).

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 award (hereinafter referred to as "the RC") dated 18.09.2017, the landowners have filed this batch of appeals (details whereof are at the foot of the judgment).

1.2 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 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.

1.3 The relevant particulars of the acquisition for the purpose of deciding this batch of appeals, in brief, 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 Ram Nagar, Tehsil Dabwali and District Sirsa.
5.	Number and Date of the Award of the Land Acquisition Collector.	Vide Award No. 13, dated 11.12.2013, the LAC has acquired the land measuring 27 kanals and 6 marla, located in village Ram Nagar, Tehsil Dabwali 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 Ram Nagar, Tehsil Dabwali and District Sirsa, @ ₹12,75,000/- per acre along with all the statutory benefits.
7.	Date of the judgment of the Reference Court.	6.12.2017
8.	Amount determined by the Reference Court.	The RC has assessed the market value of the acquired land located in village Ram Nagar, Tehsil Dabwali and District Sirsa, @ ₹20,00,000/- per acre.

2. **Facts**

2.1 Dissatisfied with the amount offered by the LAC for the involuntary acquisition of the land, on the applications filed by the landowners, the cases were referred to the RC. The landowners claimed that the market value of the acquired land was not less than ₹1,00,00,000/- per acre, as it was located near the residential area and the pucca road of the village. It has been claimed that the acquired land has the potential to use the same for the residential purposes.

2.2 On the other hand, while filing the written statement, the Executive Engineer, Rori Water Services Division, Sirsa, has claimed that the amount offered by the LAC is just, fair and adequate.

2.3 From the pleadings of the parties, the following issues were culled out by the RC for adjudication:-

- “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 Respective Parties**

3.1 In the oral evidence, PW.1 Jagdish (one of the petitioners), has appeared.

3.2 In documentary evidence, the landowners have produced the following documents, apart from the sale deeds, which are compiled in a tabulated form in para 5.4 of the judgment:-

Sr. No.	Exhibit Number	Description of the document
1.	Ex.P1	Certified copy of LAC’s Award No.3 dt. 10.9.2014 in respect of the acquired land in village Kussar.
2.	Ex.P2	Certified copy of LAC’s Award No.4 dated 10.9.2014 in respect of the acquired land in village Fatehpuria.
3.	Ex.P3	Certified copy of LAC’s Award No.5 dated 7.10.2014 in respect of the acquired land in village Nanuana.
4.	Ex.P4	Certified copy of judgment dated 17.7.2013

Sr. No.	Exhibit Number	Description of the document
		passed by the RC while assessing the market value of the acquired land for the construction of Third Water Works for Sirsa in village Panjuana.
5.	Ex.P5	Certified copy of the judgment dated 16.10.2013 passed by the RC while assessing the market value of the acquired land for the construction of Water Works for Sirsa in village Panjuana.
6.	Ex.P6	Collector’s rate for the years 2011-2012
7.	Ex.P8	Certified copy of LAC’s Award No.1 dt.27..9.2013 in respect of the acquired land in village Jhodhpuria.
8.	Ex.P9	Certified copy of LAC’s Award No.2 dated 27.9.2013 in respect of the acquired land in village Peerkhera.
9.	Ex.P10	Certified copy of LAC’s Award No.3 dated 27.9.2013in respect of the acquired land in village Modanwali.
10.	Ex.P11	Certified copy of LAC’s Award No. 13 dt 11.12.2013 in respect of the acquired land in village Ram Nagar.
11.	Ex.P12	Information letter no.56-57 dt.9.1.2017
12.	Ex.P13	Information letter no. 7608 dated 30.11.2016
13.	Ex.P14	Letter written by SDO to XEN Sirsa
14.	Ex.P15	Letter no. 697 dated 10.5.2016
15.	Ex.P16	Letter written by SDM to DSP Dabwali
16.	Ex.P17	Letter No. 697 dated 10.5.2016
17.	Ex.P18	Letter by SDM to DSP
18.	Ex.P19	Letter by SE to SDO dated 26.4.2016
19.	Ex.P20	Letter no. 534 dated 26.4.2016 by SDO to XEN
20.	Ex.P21	Supplementary award

3.3 On the other hand, Sh. Satish Kumar Taneja, Sub Divisional Officer, has appeared on behalf of the State of Haryana. The State of Haryana has produced the copies of the sale deeds, a tabulated compilation whereof is incorporated in para 5.4 of the judgment.

3.4 In the rebuttal evidence, the landowners have tendered the certified copy of minutes of the Meeting of Divisional Level Committee,

which is exhibited as Ex.PX.

4. Analysis of the reasons recorded in the impugned judgment

4.1 On reading of the judgment, it is evident that the RC, held that the various LAC's as well as RC's awards of the acquired land of different villages cannot be relied upon to assess the market value of the acquired land in the village Ram Nagar. It has been noticed that the landowners have not produced any site plan to permit the Court to make the comparison of the location and other relevant factors. Thereafter, the RC has proceeded to assess the market value of the acquired land on the basis of Ex.PX i.e. minutes of the meeting held on 21.09.2013 of the Divisional Level Committee for Price Evaluation, under the Chairmanship of the Commissioner, Hisar Division, Hisar.

5. Discussion and Analysis by this Court of the arguments of the learned counsels representing the parties:-

5.1 Heard the learned counsel representing the parties and with their able assistance, perused the paper-book and the requisitioned record of the RC.

5.2 On the one hand, the learned counsel representing the landowners submit that the RC has erred while failing to discuss the sale deed bearing No. 5498 (Ex.P7) which proves that the market value of the acquired land was around ₹48,40,000/- per acre. They submit that the acquired land as well as the sale instance (Ex.P7) pertains to the land located near the residential area.

5.3 On the other hand, the learned State counsel contends that the RC has erred in partially reading Ex.PX. He submits that the various sale

deeds produced by the State have wrongly been kept out of consideration

on the ground that the price reflected in the aforesaid sale deeds is lower than the amount offered by the LAC.

5.4 At this stage, it would be appropriate to compile the relevant tabulated information of the sale deeds produced by the respective parties:-

<i>Sr. No.</i>	<i>Exhibit No.</i>	<i>Sale Deed No.</i>	<i>Dated</i>	<i>Area</i>	<i>Amount (In ₹)</i>	<i>Name of Village</i>	<i>Rate Per acre (In ₹)</i>
1.	P7	5498	25.11.2013	10M	3,03,000	Chamal	48,40,000
2.	R1	4752	11.12.2013	8K	10,50,000	Ram Nagar	10,50.000
3.	R2	5534	07.12.2012	25K-11½ M	38,40,000	Ram Nagar	12,01,173
4.	R3	7221	08.02.2013	4K	6,00,000	Ram Nagar	12,00,000
5.	R4	7864	11.03.2013	8 K-18M	13,50,000	Ram Nagar	12,13,484

5.4 It is evident that the sale deed bearing No. 5498 (Ex.P7) is with respect to a residential plot measuring 10 marlas located in village Chamal. In the absence of evidence to prove that the parcel of the aforesaid plot was comparable with the acquired land in village Ram Nagar, this Court does not find it appropriate to assess the market value of the acquired land on the basis of Ex.P7 which pertains to a land located in a separate village. It is incumbent for the Court to assess the market value on the basis of the comparable sale deeds relating to the contemporaneous period. The sale deed (Ex.P7) is not only post the date of notification under Section 4 of the 1894 Act, but there is no evidence in support of the aforesaid parcel of land being comparable with the acquired land.

5.6 It is also evident that the State of Haryana has produced as many as four sale deeds. The sale deeds (Ex.R2 bearing No. 5534 and Ex.R3 bearing No. 7221) are just before the date of notification under Section 4 of the 1894 Act i.e. 19.02.2013. Both these sale instances are with respect to the parcels of lands located in village Ram Nagar. The sale deed bearing No.

5534 dated 07.12.2012 (Ex.R2) is with respect to the land measuring 25 kanals and 11½ marlas, which has been sold for ₹38,40,000/-. It's per acre rate would come to ₹12,01,173/-. Moreover, it is evident that even after the publication of notification under Section 4 of the 1894 Act to widen the road, the land in village Ram Nagar was being sold between ₹10,15,000/- to ₹12,14,000/-. The LAC has already offered to pay ₹12,75,000/- per acre. No sale instance of comparable parcel of land during the contemporaneous period was produced either by the landowners or by the State to prove that the market value offered by the LAC was inadequate, unjust and unfair.

5.7 The RC has committed material irregularity in assessing the market value of the acquired land on the basis of the selective reading of Ex.PX which is the minute of meeting, dated 21.09.2013 of the Divisional Level Committee for the Price Evaluation. On a careful reading, it is evident that the members of the said Committee had directed the District Revenue Officer, Sirsa, to read out the Collector's rates fixed for the purpose of registration of the documents and the average rate in the period upto one year, post the date of notification under Section 4 of the 1894 Act. The District Revenue Officer has informed that the Collector's rate is ₹12,00,000/- per acre, whereas the average rate should be ₹20,00,000/- per acre. However, it is evident that the members of the Committee did not agree with the information supplied by the District Revenue Officer and recommended to the LAC that the acquired land in village Ram Nagar should be assessed at ₹12,75,000/- per acre. The RC has erred in overlooking the concluding portion of Ex.PX. However, the State of Haryana has not filed any appeal. In the other words, the correctness of the

assessment made by the RC is not being questioned by the State of Haryana.

6. Decision

6.1 Keeping in view the aforesaid discussion, there is no further scope of enhancement of the market value of the aforesaid acquired land.

Consequently, all the appeals filed by the landowners are dismissed.

6.2 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