

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA-3184-2018 (O&M)
Date of decision: 14.09.2022

SAVINDER KAUR AND ORS.

..Appellants

Versus

STATE OF HARYANA AND ANR.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Daljit Singh Virk, Advocate
Mr. Arpandee Narula, Advocate
Mr. Dheeraj Naruja, Advocate,
Mr. S.K. Jain, Advocate
Mr. Deepak Jain, Advocate
Mr. Akshay Jain, Advocate
Mr. Munish Kamboj, Advocate
Mr. Manvinder Singh Sidhu, Advocate
Mr. Sandeep Punchhi, Advocate
Mr. Ashok Verma, Advocate
Mr. Satbir Singh Gill, Advocate
Mr. P.S. Jammu, Advocate
Mr. Labhan Paul, Advocate
for Mr. Jagjit Singh Gill, Advocate
Mr. Kartar Singh, Advocate
Mr. M.M Pandey, Advocate
Mr. Sushil K. Verma, Advocate
Mr. Lal Singh Sandhu, Advocate
Mr. Mandeep Sandhu, Advocate
for Mr. Sanjiv Gupta, Advocate
Mr. Gaurav Aggarwal, Advocate
Mr. P.K. Ganga, 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
by the Reference Court (hereinafter referred to as 'the RC'), the landowners

have filed this batch of 16 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 by 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	04.11.2011
2.	Area of acquired the land	111 kanals and 1 marla
3.	Location of the acquired land	Village Naiwala
4.	Purpose of acquisition	Construction of Naiwala Kharif Channel
5.	Declaration under Section 6 of the 1894 Act was issued.	23.10.2011
6.	Date and number of LAC award	Award No.16 dated 13.12.2013
7.	Amount assessed by the LAC	The LAC offered to pay the market value of the acquired land measuring 111 kanals and 1 marla at the rate of Rs.20,35,000/- per acre.
8.	Date of RC's award	08.01.2018
9.	Amount assessed by the RC	The RC has assessed the market value at the rate of 35,00,000/- per acre.

Facts:

1.3 Dissatisfied with the amount offered by the LAC for their

involuntarily acquired land, on the applications filed by the landowners, the matter was referred to the RC. All the applications under Section 18 of the 1894 Act were consolidated and the RC while deciding as many as 24 reference petitions, assessed the market value of the acquired land at the rate of Rs.35,00,000/- per acre. The landowners claim that the LAC has not properly assessed the market value of the acquired land. They claim that the acquired land is near the residential and commercial area of the village and the market value thereof was not less than Rs.1,00,00,000/- per acre. The landowners also claimed that the LAC has announced the award hurriedly as with effect from 01.01.2014, The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the '2013 Act') came into force under which the landowners would be entitled to at least Rs.4,00,00,000/- per acre for the acquired land. They have also claimed the damages for the severance of their unacquired land.

1.4 On the other hand, the learned counsel representing the State of Haryana while contesting the cases has contented that the LAC has already assessed the reasonable, adequate and sufficient 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>Sh. Kumbha Ram</i>
<i>PW-2</i>	<i>Sh. Kanshi Ram</i>
<i>PW-3</i>	<i>Sh. Parveen Kumar</i>

2.2 In the documentary evidence, the landowners produced the

following evidence in support of their case:-

<i>Ex.P-1</i>	<i>Copy of jamabandi for the years 2012-2013</i>
<i>Ex.P-2 or Ex.P-19</i>	<i>Certified copy of award No.19 dated 30.12.2013</i>
<i>Ex.P-3</i>	<i>Certified copy Mutation No.1547</i>
<i>Ex.P-4</i>	<i>Form L</i>
<i>Ex.P-5</i>	<i>Certified copy of jamabandi for the years 2012-2013</i>
<i>Ex.P-6</i>	<i>Certified copy of jamabandi for the years 2012-2013</i>
<i>Ex.P-7</i>	<i>Form L</i>
<i>Ex.P-8</i>	<i>Certified copy of jamabandi for the years 2007-2008</i>
<i>Ex.P-9</i>	<i>L A Form</i>
<i>Ex.P-10</i>	<i>Certified copy of jamabandi for the years 2012-2013</i>
<i>Ex.P-11</i>	<i>Form L</i>
<i>Ex.P-12</i>	<i>Certified copy of objection petition</i>
<i>Ex.P-13</i>	<i>Form L</i>
<i>Ex.P-14</i>	<i>Certified copy of objection petition</i>
<i>Ex.P-15</i>	<i>Death certificate of Ajal Pal son of Gurdev Singh</i>
<i>Ex.P-16</i>	<i>Certified copy of jamabandi for the years 2012-2013</i>
<i>Ex.P-17</i>	<i>Certified copy of supplementary award dated 28.11.2016 of village Fatehpuria, Nailwala and Nanuana</i>
<i>Ex.P-18</i>	<i>Certified copy of report of Divisional Committee report</i>
<i>Ex.P-19</i>	<i>Certified copy of Award No.19 dated 30.12.2013</i>
<i>Ex.P-20</i>	<i>Certified copy of Award No.4 dated 10.09.2014</i>
<i>Ex.P-21</i>	<i>Certified copy of Award No.3 dated 10.09.2014</i>
<i>Ex.P-22</i>	<i>Certified copy of Award No.7 dated 08.11.2016</i>
<i>Ex.P-23</i>	<i>Certified copy of Award No.5 dated 07.10.2014</i>

2.4 On the other hand, in the oral evidence, the State of Haryana examined RW-1 Sh. M.K. Suthar, SDO Bani, Water.

2.5 The State of Haryana has not produced any documentary evidence.

3 **Analysis of the reasons recorded by the RC:-**

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

- “1. What was the prevailing market 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 petitions as prayed for? OPP*
- 3. Whether the petitions are not maintainable? OPR*
- 4. Relief.”*

3.2 The RC reassessed the market value of the acquired land on the basis of the minutes of the meeting of the Divisional Level Price Valuation Committee while assessing the market value at the rate of Rs.35,00,000/- per acre.

4. **Discussion and analysis of the arguments of the 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 lower Court record, which was requisitioned.

4.2 On the one hand, the learned counsel representing the landowners pray for the enhancement of the market value, whereas, on the other hand the learned counsel representing the State of Haryana contends that the RC has committed an error in assessing the market value of the acquired land on the basis of the report of the Divisional Level Committee.

4.3 In these cases, neither the landowners nor the State of Haryana has produced any comparable sale instance of the contemporaneous period. In fact, no sale deed has been produced on the file. The landowners have produced the various awards passed by the LAC with respect to the villages Fatehpuria, Kussar, Sheikhupuria and Nanuana. In absence of the evidence to prove that the acquired land in the afore-mentioned villages was comparable with the parcels of the acquired land in village Naiwala, the RC has correctly refused to rely upon the same. The award No.4, dated 10.09.2014 is made/given under the 2013 Act with respect to the acquired land in village Fatehpuria. Similarly, the award No.3, dated 10.09.2019 with respect to the acquired land in village Kussar is also made under the 2013 Act. The award No.7, dated 08.11.2016 with respect to the acquired land in village Sheikhpuria is also made under the 2013 Act. Same is the position with award No.5 with respect to the acquired land in village Nanuana.

4.4 The RC has relied upon the minutes of Divisional Level Committee held under the chairmanship of the Commissioner, Hisar Division on 21.09.2013 (Ex.P-18). On a careful perusal of the said minutes thereof, it is evident that the District Revenue Officer, Sirsa was requested to read for the members of the Committee the fixed collector's rate for the purpose of registration of the sale deeds and the average rates in the period for the last one year before the preliminary notification under Section 4 of the 1894 Act. In that context, the District Revenue Officer disclosed that in the village Naiwala, the collector's rate for registration of the sale deed is Rs.12,00,000/- per acre, whereas, its average market rate in the period upto one year is Rs.35,00,000/- per acre. It may be noted here that there is no

evidence that those sale deeds pertain to the comparable parcels of land of the contemporaneous period. Hence, the RC has erred in relying upon the same while assessing the market value of the acquired land, however, the State of Haryana has accepted the award passed by the RC, as no appeal has been filed.

5. **Decision:**

5.1 Keeping in view the aforesaid facts, this Court does not find it appropriate to reduce the assessment of the market value particularly when the State of Haryana has already accepted the award. In the end, there is no scope for the enhancement of the market value of the acquired land. Hence, the appeals filed by the landowners are dismissed.

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

14th September, 2022

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

Sr. No.	Case No.	Parties Details
1.	RFA-3184-2018	SAVINDER KAUR AND ORS V/S STATE OF HARYANA AND ANR
2.	RFA-3185-2018	SAVINDER KAUR AND ORS V/S STATE OF HARYANA AND ANR
3.	RFA-3186-2018	SURESH RANI V/S STATE OF HARYANA AND ANR
4.	RFA-3187-2018	PARVEEN KUMAR AND ORS V/S STATE OF HARYANA AND ANR
5.	RFA-3188-2018	PARVEEN KUMAR AND ANR V/S STATE OF HARYANA AND ANR
6.	RFA-3189-2018	AMARJEET SINGH V/S STATE OF HARYANA AND ANR
7.	RFA-3236-2018	NEELAM RANI V/S THE STATE OF HARYANA AND ORS
8.	RFA-94-2019	GURBHEJ SINGH V/S STATE OF HARYANA AND ORS
9.	RFA-95-2019	GURBHEJ SINGH AND ANR V/S STATE OF HARYANA AND ORS
10.	RFA-96-2019	GURBHEJ SINGH AND ORS V/S STATE OF

		HARYANA AND ORS
11.	RFA-97-2019	AJAY PAL SINGH DECEASED THROUGH LRS AND ORS V/S STATE OF HARYANA AND ORS
12.	RFA-1878-2019	GURDEV SINGH V/S STATE OF HARYANA AND ORS
13.	RFA-2351-2019	SHARBATI DEVI AND ORS V/S STATE OF HARYANA AND ANR
14.	RFA-2538-2019	KANSHI RAM V/S STATE OF HARYANA AND ORS
15.	RFA-3125-2019	HIRA SINGH AND ORS V/S STATE OF HARYANA AND ANR
16.	RFA-66-2020	INDERJEET KAUR V/S STATE OF HARYANA AND ORS

(ANIL KSHETARPAL)
JUDGE