

In the High Court of Punjab and Haryana, at Chandigarh

1. Regular First Appeal No. 4215 of 2018 (O&M)

Ram Partap (Now Deceased) through his Legal Representatives

... Appellant(s)

Versus

State of Haryana and Another

... Respondent(s)

2. Regular First Appeal No. 3466 of 2018 (O&M)

Ram Partap (Now Deceased) through his Legal Representatives

... 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 and Mr. Akshay Jain, Advocates
for the appellant(s).

Mr. Shivendra Swaroop, Assistant Advocate General,
Haryana, for the respondents.

Anil Kshetarpal, J.

1. Introduction and Background

1.1 While assailing the correctness of the market value of the acquired land assessed vide Reference Court's (hereinafter referred to as "the RC") award dated 01.05.2018, the landowners have filed these two appeals i.e. Regular First Appeal No. 4215 of 2018 and 3466 of 2018.

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 both the appeals can conveniently be disposed of by a common judgment.

1.3 The relevant particulars of the acquisition, for the purpose of the decision of 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 Ratta Khera Kharif Channel (Drain)
4.	Location, area and nature of the acquired land	The acquired land is located in village Khuyian Nepalpur, Tehsil and District Sirsa.
5.	Number and Date of the Award of the Land Acquisition Collector.	Vide Award No. 04 dated 14.10.2013, the LAC has acquired the land measuring 19 kanals and 18 marlas, located in village Khuyian Nepalpur, Tehsil and District Sirsa.
6.	Amount assessed by the Land Acquisition Collector.	The LAC has offered to pay the market value of the acquired land @ ₹12,75,000/- per acre along with with all statutory benefits.
7.	Amount determined by the Reference Court.	The RC, vide a common award dated 01.05.2018, has enhanced the amount of the award from ₹12,75,000/- to ₹21,00,000/- per acre along with all the statutory benefits.

2. **Facts**

2.1 Dissatisfied with the amount offered as market value of the acquired land by the LAC, on the applications filed by the landowners under

adjudication of the market value. The landowners claimed that the LAC while offering the amount of market value, has not taken into consideration the situation, kind, quality and location of the acquired land. The acquired land is not only located near the residential area, but also near to the pucca road and as such, it has high potential value for residential purposes. Claiming that the market value of the acquired land was not less than ₹1,00,00,000/-, the landowners pray for enhancement.

2.2 The State of Haryana, while contesting the petitions, has submitted that the Divisional Level Committee, headed by the Commissioner, Hisar Division, Hisar, after going through the factual position of the acquired land i.e. location, nature of the land and market price, made its recommendation which was accepted by the LAC, hence, adequate, proper and reasonable compensation for the acquired land has been awarded.

2.3 From the pleadings of the parties, the RC has culled out the following issues:-

- “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 of the petitioners are not maintainable?*
- 4. Relief.”*

3. Evidence Produced by the Parties

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

Sr. No.	Name of the Witness	Particulars of the Witness
1.	PW.1 Ram Parkash	Kanungo, LAC Branch, Sirsa
2.	PW.2 Bhal Singh	Petitioner
3.	PW.3 Rakesh Kumar	Petitioner

3.2 In documentary evidence, the landowners have produced the following evidence:-

Sr. No.	Exhibit Number	Description of the document
1.	Ex.P1	Certified copy of LAC's Award No.4 dated 10.9.2014 in respect of the acquired land in village Fatehpuria
2.	Ex.P2	Certified copy of LAC's Award no.4 dated 14.10.2013 in respect of the acquired land in village Khuiyan Nepalpur
3.	Ex.PW.2/B	Certified copy of Aksh sizra (Revenue Layout Plan)
4.	Ex.PW.2/C	Photo statcopy of Award no. 17 dt. 28.11.2016 Certified copy of award 28.11.2016
5.	Ex.PW.2/E	Aksh Sizra
6.	Ex.PW.2/E	Jamabnandi for the years 2011-2012

3.3 On the other hand, in oral evidence, Sh.D.K.Garg, Sub Divisional Officer, Panjuana, appeared in the witness box as RW.1 on behalf of the State of Haryana.

3.4 In documentary evidence, the State produced the copies of the sale deeds, a tabulated compilation whereof is incorporated in para 4.7 of the judgment.

4. Discussion and Analysis by this Court

4.1 The RC, while observing that some amount of guess work is inevitable and the award passed by the LAC is not supported by reason, has

held that the sale deeds produced by the State of Haryana pertains to

different khewat, therefore, it cannot be relied upon. The award (Ex.P1) dated 10.09.2014 was not relied upon as it pertains to the acquisition of the land of village Fatehpuria.

4.2 Thereafter, the RC, while assessing the market value of the acquired land @ ₹21,00,000/- per acre, has relied upon Ex.PX i.e. minutes of the meeting held on 21.09.2013 of the Divisional Level Committee, under the Chairmanship of the Commissioner, Hisar Division, Hisar.

4.3 Heard the learned counsel representing the parties, at length and with their able assistance, perused the impugned judgment passed by the RC as well as the requisitioned record.

4.4 The learned counsel representing the landowners contend that the RC has committed an error in assessing inadequate compensation, whereas, the State of Haryana has submitted that the RC has erred in enhancing the market value of the acquired land from a sum of ₹12,75,000/- to ₹21,00,000/- per acre, by selectively reading the minutes of the meeting of the Divisional Level Committee.

4.5 As regards the reasoning of the RC that some amount of guess work is inevitable in assessing the market value, it may be observed that such perceived projections cannot be without any basis. While assessing the market value of the acquired land, the Court is required to decide the case on the basis of preponderance of the probabilities. On the appreciation of evidence, the RC is entitled to draw some reasonable inferences. However, such inferences are required to be drawn on the basis of material produced in evidence.

LAC. Hence, the RC is not required to judicially review the award of the LAC. Therefore, the RC has wrongly observed that the award passed by the LAC is not supported by any reason.

4.7 The State of Haryana has produced the two sale instances, tabulated compilation whereof is produced as under:-

<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>
<i>1.</i>	<i>R1</i>	<i>2076</i>	<i>11.06.2012</i>	<i>2K-1M</i>	<i>3,07,500</i>	<i>Khuyian Nepalpur</i>	<i>12,00,000</i>
<i>2.</i>	<i>R2</i>	<i>6931</i>	<i>04.12.2012</i>	<i>1K</i>	<i>4,23,500</i>	<i>Khuyian Nepalpur</i>	<i>33,84,000</i>

4.8 It is evident that both the sale deeds are of a smaller area which cannot be said to be comparable with the acquired land. It would be noted here that the sale deed (Ex.R2) pertains to a plot measuring 1 kanal which, ordinarily, is not purchased or sold for agricultural purposes. However, the RC has erred in observing that these sale deeds pertain to different khewat numbers. It is not the finding of the RC that these parcels of land are not comparable. Hence, the RC’s reason for non-consideration that the parcel of land is comprised in a different khewat, is not correct.

4.9 It is evident from the careful perusal of Ex.PX i.e. minutes of the meeting of the Divisional Level Committee held on 21.09.2013 that the RC has failed to read the document as a whole. The District Revenue Officer, Sirsa, was requested to read out the Collector’s rates fixed for the purpose of registration of the documents and the average rates in the period upto one year post the date of notification under Section 4 of the 1894 Act.

It was disclosed that in village Khuyian Nepalpur, the Collector’s rate is

recorded in the minutes of the meeting that the members of the Committee did not accept the statement of the District Revenue Officer and recommended to the LAC that the market value of the acquired land in village Khuyian Nepalpur is ₹12,75,000/- per acre. The whole document is required to be read as a whole. The RC has erred in selectively reading the same. However, the State of Haryana has not filed any appeal.

5. Decision

5.1 Keeping in view the aforesaid discussion, there is no further scope for enhancement. Hence, this appeal is dismissed.

5.2 The miscellaneous application(s) pending, if any, shall stand disposed of.

**(Anil Kshetarpal)
Judge**

**November 11, 2022
“DK”**

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