

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA-484-2018 (O&M)
Reserved on: 23.11.2022
Date of decision: 15.12.2022

LEELA RAM

..Appellant

Versus

STATE OF HARYANA AND ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. J.P. Sharma, 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.	05.04.2011
2.	Area of the acquire land	155 kanals and 3 marlas
3.	Location of the land	Village Momanpur
4.	Purpose of acquisition	Widening and four-laning of Major District Road-129 from village Rai Malikpur to Narnaul
5.	Number and date of LAC's award	Award No.21 dated 19.04.2012
6.	Amount assessed by the LAC	The LAC offered to pay the market value of the acquired land measuring 155 kanals and 3 marlas at the rate of Rs.20,00,000/- per acre.
7.	Date of RC's award	01.04.2017
8.	Amount assessed by the RC	The RC assessed the market value of the acquired land at the rate of Rs.37,65,842/- per acre.

FACTS:

1.3 Dissatisfied with the amount offered by the LAC, on the applications filed by the landowners under Section 18 of the 1894 Act, the cases were referred to the RC for assessing the market value of the acquired land. The landowners claimed that the acquired land has been significantly undervalued and in fact, it is located on Jaipur-Narnaul Road. The acquired land is of commercial value being adjacent to the main road. Moreover, the LAC has not taken into consideration the various sale deeds which show that the market value of the acquired land was not less than Rs.60,000/- per sq. yard, at the relevant time. The landowners claimed that the acquired land has great potential to be developed as residential/commercial area.

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

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

- “1. What was the market value of the acquired land at the time of issuing notification under Section 4 of the Land Acquisition Act? 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 superstructures, tress etc.? OPP
4. Relief.”

2. Evidence produced by the parties:

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

PW-1	Smt. Mishri Devi
PW-2	Sh. Yad Ram
PW-3	Sh. Manphool Singh
PW-4	Sh. Subhash Chand
PW-5	Sh. Surajbhan
PW-6	Sh. Sarjit Singh
PW-7	Sh. Ram Kumar
PW-8	Sh. Yogender Singh
PW-9	Sh. Pawan Kumar
PW-10	Sh. Ragubir Singh
PW-11	Sh. Mahabir Prasad

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 2.5:-

Ex.P-1 to P-21	Certified Copies of sale deeds
Ex.P8/A	Copy of notification
Ex.P8/B	Final report of notification
Ex.P9/A	Site plan

2.3 On the other hand, in oral evidence, the State of Haryana

examined RW-1 Sh. Sajan Singh, Sub-Divisional Engineer and RW-2 Sh. Mahender Singh, Junior Engineer.

2.4 In documentary evidence, the State of Haryana produced the following documents apart from the sale deeds, a tabulated compilation of which is given in para 2.5:-

<i>Ex.R-1 to R-7</i>	<i>Copies of sale deeds</i>
<i>Ex.R-8</i>	<i>Gazette notification</i>
<i>Ex.R-9</i>	<i>Rate list fixed by the Committee</i>
<i>Ex.R-10</i>	<i>Aks-shijra</i>

2.5 At this stage, it is considered appropriate to compile the complete information in respect of various sale deeds produced by the parties in order to have birds eye view of the same, in a tabulated form:-

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	1507	30.01.2009	1K-5M	6,05,000/-	38,72,000/-	Momanpur
2	P-2	79	30.04.2010	1 kanal	6,00,000/-	48,00,000/-	Momanpur
3	P-3	889	08.10.2008	13 marla	3,12,000/-	3,84,000/-	Momanpur
4	P-4	236	18.06.2010	381 sq. yard	3,00,000/-	38,11,024/-	Momanpur
5	P-5	1875	25.01.2008	12 marla	3,65,000/-	48,66,667/-	Momanpur
6	P-6	1473	09.02.2010	10 marla	2,40,000/-	38,40,000/-	Momanpur
7	P-7	885	06.12.2010	195 sq. yard	6,00,000/-	1,48,92,308/-	Momanpur
8	P-8	886	06.12.2010	219 sq. yards	6,60,000/-	1,45,86,301/-	Momanpur
9	P-9	1908	01.08.2011	1020 sq. yards	10,00,000/-	47,45,098/-	Momanpur
10	P-10	1050	05.11.2008	1K-15M	6,56,000/-	29,98,857/-	Momanpur
11	P-11	1425	19.11.2007	1 kanal	20,50,000/-	1,64,00,000/-	Momanpur
12	P-12	1919	30.01.2008	663.97 sq. yards	9,20,000/-	67,06,327/-	Momanpur
13	P-13	431	17.07.2008	200 sq. yards	3,00,000/-	72,60,000/-	Momanpur
14	P-14	1049	05.11.2008	1K-15M	6,56,000/-	29,98,857/-	Momanpur
15	P-15	3465	10.10.2011	300 sq. yards	8,70,000/-	1,40,36,000/-	Momanpur
16	P-16	4117	10.02.2012	100 sq. yards	3,33,000/-	1,61,17,200/-	Momanpur
17	P-17	1346	19.10.2012	241 sq. yards	8,43,500/-	1,69,40,000/-	Momanpur
18	P-18	450	21.07.2008	520 sq. yards	7,80,000/-	72,60,000/-	Momanpur
19	P-19	560	08.08.2008	137.3 sq. yards	2,06,500/-	72,61,763/-	Momanpur
20	P-20	2109	25.02.2008	1K-5M	6,05,000/-	38,72,000/-	Momanpur
21	P-21	1755	04.01.2008	19 marla	5,80,000/-	48,84,211/-	Momanpur
SALE DEED PRODUCED BY THE STATE							
1	R-1	1387	15.01.2010	1 kanal	4,85,000/-	38,80,000/-	Momanpur
2	R-2	300	02.07.2010	3K-15M	4,22,000/-	9,00,267/-	Momanpur
3	R-3	876	06.12.2010	1 acre 4 kanal	16,50,000/-	11,00,000/-	Momanpur
4	R-4	307	05.07.2010	3K-3M	3,55,000/-	9,01,587/-	Momanpur
5	R-5	195	11.05.2012	3K-18M	6,00,000/-	12,30,769/-	Momanpur
6	R-6	3161	05.09.2011	1 acre 4 kanal	16,50,000/-	11,00,000/-	Momanpur
7	R-7	3540	31.10.2011	7K-4M	11,00,000/-	12,22,222/-	Momanpur

3. Reasons recorded by the RC while passing the award:

3.1 The RC, while relying upon the sale deeds Ex.P-1 (bearing No.1507), P-2 (bearing No.79) and P-10 (bearing No.1050) calculated the average market price of the aforesaid three sale deeds at the rate of Rs.38,80,000/-. Thereafter, the RC noticed that even as per the sale deed (bearing No.1387) Ex.R-1 dated 15.01.2010, the per acre market value of the acquired land is Rs.38,80,000/-. Thereafter, the RC granted cumulative increase for a period of two years at the rate of 10% per annum and arrived at a figure of Rs.47,07,302/- per acre. Subsequently, the RC reduced it by 20% on the ground that a huge amount of government money would be spent in making the land usable by constructing roads and making provision of electricity and arrived at a figure of Rs.37,65,842/- per acre. The sale deeds Ex.R-2 (bearing No.300), Ex.R-3 (bearing No.876), Ex.R-4 (bearing No.307), Ex.R-5 (bearing No.195), Ex.R-6 (bearing No.3161) and Ex.R-7 (bearing No.3540) were kept out of the consideration on the ground that these sale instances reflect a price which is lower than the amount offered by the LAC. It may be noted here that though the landowners claimed compensation for the bifurcation of their land, however, the RC has observed that no material, in support thereof, has been produced by them.

4. 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 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 committed an error while ordering

deduction of 20% particularly when the acquisition is for expansion/widening/four laning of the existing road. They contend that the landowners should not have been burdened with the cost of construction of the road.

4.3 Per contra, the learned counsel representing the State of Haryana contends that the RC has wrongly kept the sale instances produced by it out of consideration. It is contended that the sale instances Ex.P-1 (bearing No.1507), Ex.P-2 (bearing No.79) and Ex.P-10 (bearing No.1050) relied upon by the RC are not comparable parcels of land. While referring to the layout plan Ex.R-10, he contends that the acquired land is passing through the land comprised in rectangle No.24, whereas, the sale deed Ex.R-3 (bearing No.876) is with respect to the land comprised in rectangle No.22, whereas, Ex.R-4 (bearing No.307) is with respect to the land comprised in rectangle No.25. Hence, the parcels of land sold through sale instances Ex.R-3 (bearing No.876) and Ex.R-4 (bearing No.307) are located closer to the acquired land and thus, are comparable.

5. **Discussion by this Court:**

5.1 This Court has examined the record of the trial Court and analysed the arguments of the learned counsel representing the parties.

5.2 While assessing the market value of the acquired land, the comparable sale instances of the contemporaneous period are considered the best piece of evidence. While assessing the market value, the Court is required to examine and evaluate what would be the market value of the land on which a willing seller will find a willing purchaser of the acquired land.

No doubt, some amount of guess work/projections are inevitable, however,

every assessment is required to be based on the evidence produced on the record.

5.3 The State of Haryana has produced a layout plan which is based upon the *aks-shijra* of the village (revenue layout plan).

5.4 It is evident that an existing road was passing through the area of village Momanpur and the land abutting the aforesaid existing road has been acquired for its widening.

5.5 As far as the claim of the landowners with regard the damages on account of severance of the unacquired land is concerned, it is noted that no evidence in support of the same has been produced. From a perusal of a layout plan Ex.P9/A, it is evident that the bifurcation of the unacquired land in more than one parcel of land is not proved. Moreover, the acquisition is for expansion/widening/four-laning of the road, hence, a narrow strip of land located on both sides of the road has been acquired. Thus, the acquired land is sought to be merged with the existing road. Consequently, the chances of bifurcation are very remote. Moreover, the State of Haryana has produced Ex.R-10, a revenue layout plan, from a perusal thereof, it is evident that there is no bifurcation of the unacquired land left with the landowners on account of the acquisition.

5.6 The RC has committed an error in relying upon sale instances Ex.P-1 (bearing No.1507), Ex.P-2 (bearing No.79) and Ex.P-10 (bearing No.1050) while overlooking the fact that Ex.P-1 (bearing No.1507) and Ex.P-2 (bearing No.79) are the sale deeds with respect to residential plots of land. While registering the sale deeds, the Registrar has apparently made a note that the residential plots are being sold through these sale deeds. The

sale deed Ex.P-10 (bearing No.1050) is with respect to 1 kanal and 15 marlas of land, in other words, it is of 1062 sq. yards of land. The land covered by this sale deed forms a part of the land comprised in rectangle No.8, khasra No.2/2 and 3. There is no evidence that the aforesaid parcel of land is comparable with the acquired land. Ordinarily, the land measuring 1 kanal and 15 marlas is not purchased or sold for agricultural purposes. Furthermore, from a perusal of the layout plan Ex.R-10, it is evident that the aforesaid parcel of land represented by sale deed bearing No.1050 (Ex.P-10) is abutting that part of the road, which is going towards village Nangal Chaudhary. The entire residential area of the village Momanpur is located on the aforesaid road. Hence, the same is not a comparable sale instance.

5.7 On the other hand, the sale deeds Ex.R-3 (bearing No.876) and Ex.R-4 (bearing No.307) are with respect to parcels of land comprised in rectangle No.22 and 25, which are located near the acquired land. Hence, the RC has erred in relying upon sale instances Ex.P-1 (bearing No.1507), Ex.P-2 (bearing No.79) and Ex.P-10 (bearing No.1050). The remaining sale instances Ex.P-3 (bearing No.889), Ex.P-4 (bearing No.236), Ex.P-5 (bearing No.1875), Ex.P-6 (bearing No.1473), Ex.P-7 (bearing No.885), Ex.P-8 (bearing No.886), Ex.P-9 (bearing No.1908), Ex.P-11 (bearing No.1425), Ex.P-12 (bearing No.1919), Ex.P-13 (bearing No.431), Ex.P-14 (bearing No.1049), Ex.P-15 (bearing No.3465), Ex.P-16 (bearing No.4117), Ex.P-17 (bearing No.1346), Ex.P-18 (bearing No.450), Ex.P-19 (bearing No.560), Ex.P-20 (bearing No.2109) and Ex.P-21 (bearing No.1755) are with respect to tiny parcels of land purchased or sold for residential or commercial purposes, whereas, the acquired land is agricultural in nature.

5.8 The RC has also committed an error in ignoring the sale deeds produced by the State of Haryana on the basis of incorrect interpretation of Section 25 of the 1894 Act. The sale instances produced by the parties reflecting a price lower than the amount offered by the LAC can be taken into consideration and there is no prohibition in taking into account such sale instances. Section 25 only debars the Court from awarding an amount which is lower than the amount offered by the LAC. This issue is no longer *res integra* in view of the judgment passed by the Supreme Court in **Lal Chand Vs. Union of India, (2009) 15 SCC 769.**

5.9 Keeping in view the aforesaid facts, the argument of the learned counsel with regard to deduction of 20% is rendered academic. Hence, not required to be dealt with.

5.10 The glossary of certain revenue terms used while dictating the judgment is extracted as under:-

1.	1 Rectangle	=	5 X 5 = 25 Acre
2.	1 Acre	=	160 Marlas
3.	8 Kanal	=	1 Acre
4.	1 Kanal	=	20 Marlas
5.	1 Acre	=	4840 Sq. Yards
6.	1 Marla	=	272.251 Sq. Feet = 30.25 Sq. Yards
7.	1 Inch	=	2.54 cm
8.	1 Foot	=	12 Inch.
9.	1 Sq. Feet	=	12 X 12 =144 Inch.
10.	1 Yard	=	3 Feet
11.	1 Sq. Yard	=	9 Sq. Feet
12.	100 Sq. Yards	=	900 Sq. Feet
13.	1 Kanal	=	0.125 Acre
14.	1 Marla	=	0.00625001 Acre
15.	“//” denotes Rectangle Number.		
16.	“/” denotes Khasra/Killa Number.		
17.	“A” denotes Acre		

18.	“K” denotes Kanal
19.	“M” denotes Marla

6. **Decision:**

- 6.1 Keeping in view the aforesaid discussion, this Court is left with no choice but for to set aside the award passed by the RC on 01.04.2017.
- 6.2 Consequently, the appeals filed by the State of Haryana are allowed, whereas, that of the landowners shall stand dismissed. Resultantly, the award dated 19.04.2012 passed by the LAC is upheld and there is no ground to modify the amount offered by the LAC. All the reference applications filed by the landowners under Section 18 of the 1894 Act shall stand dismissed.
- 6.3 All the pending miscellaneous applications, if any, are also disposed of.

15th December, 2022

(ANIL KSHETARPAL)
JUDGE

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

SR. NO.	CASE NO.	PARTIES DETAILS
1.	RFA-484-2018	LEELA RAM V/S STATE OF HARYANA AND ORS
2.	RFA-485-2018	SHEONARAIN AND ORS V/S STATE OF HARYANA AND ORS
3.	RFA-486-2018	BIRBAL AND ORS V/S STATE OF HARYANA AND ORS
4.	RFA-487-2018	LEELA (NOW DECEASED) THR. HIS LRS AND ORS V/S STATE OF HARYANA AND ORS
5.	RFA-488-2018	ANOOP SINGH AND ANR V/S STATE OF HARYANA AND ORS
6.	RFA-489-2018	BIRBAL AND ORS V/S STATE OF HARYANA AND ORS
7.	RFA-490-2018	KISHORI LAL V/S STATE OF HARYANA

		AND ORS
8.	RFA-491-2018	DUGAR SINGH DECEASED THR LRS AND ORS V/S STATE OF HARYANA AND ORS
9.	RFA-933-2018	IDOL OF THAKURJI MAHARAJ THR. MOHATMIMS/MANAGERS V/S STATE OF HARYANA & ORS
10.	RFA-2473-2018	SUBE SINGH & ORS V/S STATE OF HARYANA AND ORS
11.	RFA-3304-2018	STATE OF HARYANA & ORS V/S CHHANGA RAM (DECEASED) THR. HIS LRS & ORS
12.	XOBJR-45-2021	STATE OF HARYANA & ORS V/S CHHANGA RAM (DECEASED) THR. HIS LRS & ORS
13.	RFA-3305-2018	STATE OF HARYANA & ORS V/S RAM KUMAR & ORS
14.	XOBJR-151-CI-2018	STATE OF HARYANA & ORS V/S RAM KUMAR & ORS
15.	RFA-3306-2018	STATE OF HARYANA & ORS V/S BIRBAL & ORS
16.	RFA-3307-2018	STATE OF HARYANA & ORS V/S SUBE SINGH & ORS
17.	RFA-3308-2018	STATE OF HARYANA & ORS V/S LEELA RAM
18.	RFA-3309-2018	STATE OF HARYANA & ORS V/S SURENDER SINGH & ORS
19.	RFA-3310-2018	STATE OF HARYANA & ORS V/S SURAJBHAN
20.	XOBJR-148-CI-2018	STATE OF HARYANA & ORS V/S SURAJBHAN
21.	RFA-3311-2018	STATE OF HARYANA & ORS V/S RAGHBIR SINGH
22.	XOBJR-153-CI-2018	STATE OF HARYANA & ORS V/S RAGHBIR SINGH
23.	RFA-3312-2018	STATE OF HARYANA & ORS V/S YAD RAM
24.	RFA-3313-2018	STATE OF HARYANA & ORS V/S SARVESH KUMAR & ORS
25.	XOBJR-149-CI-2018	STATE OF HARYANA & ORS V/S SARVESH KUMAR & ORS
26.	RFA-3314-2018	STATE OF HARYANA & ORS V/S JAGBIR SINGH
27.	XOBJR-154-CI-2018	STATE OF HARYANA & ORS V/S JAGBIR SINGH
28.	RFA-3315-2018	STATE OF HARYANA & ORS V/S BHUJIA @ RAM CHANDER (DECEASED) THR. LRS

29.	XOBJR-125-2021	STATE OF HARYANA & ORS V/S BHUJIA @ RAM CHANDER (DECEASED) THR. LRS
30.	RFA-3316-2018	STATE OF HARYANA & ORS V/S HUKAM SINGH
31.	XOBJR-150-CI-2018	STATE OF HARYANA & ORS V/S HUKAM SINGH
32.	RFA-3317-2018	STATE OF HARYANA & ORS V/S KISHORI LAL
33.	RFA-3318-2018	STATE OF HARYANA & ORS V/S BIRBAL & ORS
34.	RFA-3319-2018	STATE OF HARYANA & ORS V/S SAYAR & ORS
35.	XOBJR-152-CI-2018	STATE OF HARYANA & ORS V/S SAYAR & ORS
36.	RFA-3321-2018	STATE OF HARYANA & ORS V/S ASHWANI KUMAR & ORS
37.	RFA-3320-2018	STATE OF HARYANA & ORS V/S SHEONARAIN & ORS
38.	RFA-3322-2018	STATE OF HARYANA & ORS V/S MANPHOOL & ORS
39.	XOBJR-117-2019	STATE OF HARYANA & ORS V/S MANPHOOL & ORS
40.	RFA-3323-2018	STATE OF HARYANA & ORS V/S DESH RAJ & ANR
41.	XOBJR-118-2019	STATE OF HARYANA & ORS V/S DESH RAJ & ANR
42.	RFA-3324-2018	STATE OF HARYANA & ORS V/S DEVKARAN & ORS
43.	XOBJR-147-CI-2018	STATE OF HARYANA & ORS V/S DEVKARAN & ORS
44.	RFA-3325-2018	STATE OF HARYANA & ORS V/S DUGAR SINGH & ORS
45.	RFA-3328-2018	STATE OF HARYANA & ORS V/S JITENDER SINGH & ORS
46.	RFA-3329-2018	STATE OF HARYANA & ORS V/S AMI LAL & ORS
47.	XOBJR-126-2021	STATE OF HARYANA & ORS V/S AMI LAL & ORS
48.	RFA-3330-2018	STATE OF HARYANA & ORS V/S ANOOP SINGH & ANR
49.	RFA-3331-2018	STATE OF HARYANA & ORS V/S IDOL OF THAKURJI MAHARAJ MANDIR & ORS
50.	RFA-3332-2018	STATE OF HARYANA & ORS V/S SANTOSH & ORS
51.	RFA-3333-2018	STATE OF HARYANA & ORS V/S LEELA RAM & ORS

52.	XOBJR-155-CI-2018	STATE OF HARYANA & ORS V/S LEELA RAM & ORS
53.	RFA-3334-2018	STATE OF HARYANA & ORS V/S JAGE RAM & ANR
54.	RFA-3335-2018	STATE OF HARYANA & ORS V/S LEELA (DECEASED) THR. HIS LRS. & ORS

(ANIL KSHETARPAL)
JUDGE