

In the High Court of Punjab and Haryana, at Chandigarh

**Regular First Appeal No. 714 of 2018 (O&M)
And Other Connected Cases**

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

Gurnam Singh and Others

... Appellant(s)

Versus

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 Reference Court's (hereinafter referred to as "the RC") award 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 Sahuwala-1, District Sirsa.
5.	Number and Date of the Award of the Land Acquisition Collector.	Vide Award No. 05 dated 14.10.2013, the acquired land measuring 123 kanals and 1 marla, located in village Sahuwala-1, 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 Sahuwala-1, District Sirsa, @ ₹12,00,000/- per acre.
7.	Date of the judgment of the Reference Court.	18.09.2017
8.	Amount determined by the Reference Court.	The RC, while deciding as many as 22 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, Claiming that the acquired land being a canal irrigated fertile land was capable of giving sufficient crops in a year. The landowners had put in persistent hard labour and energy to make their land cultivable. The acquired

land is a prime land located near the residential area of the village and is

joined by a pucca road. The landowners claim that the market value of the acquired land was more than ₹1,00,00,000/- per acre. The landowners, under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as “the 2013 Act”), have also claimed that they are entitled to four times the market value.

2.2 On the other hand, the State of Haryana has claimed that the Divisional Level Committee, headed by the Commissioner, Hisar Division, Hisar, after analyzing the sale deeds of the village Sahuwala-1, recommended ₹12,00,000/- per acre which was accepted by the LAC. It is contended that the amount offered by the LAC is just, appropriate and adequate.

2.3 From the pleadings of the parties, the following issues were framed 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 The landowners, in the oral evidence, have examined the following witnesses:-

Sr. No.	Name of the Witness	Particulars of the Witness
1.	PW.1 Bawa Singh	Petitioner
2.	PW.2 Shivraj Singh	Petitioner

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

Sr. No.	Exhibit Number	Description of the document
1.	Ex.P1	Certified copy of Award No.5 dt. 14.10.2013 in respect of the acquired land in village Sahuwala-I
2.	Ex.P2	Notice
3.	Ex.P3 and Ex.P4	Electricity bills
4.	Ex.P5	Certified copy of LAC’s Award dated 10.9.2014 in respect of the acquired land in village Fatehpuria
5.	Ex.P6 to Ex.P9	Jamabandi for the years 2007-2008
6.	Ex.P10	Certified copy of LAC’s Award No. 17 dated 28.11.2016 in respect of the acquired land in village Sahuwala-1

3.3 On the other hand, in the oral evidence, the State has examined RW.1 Sh.D.K.Garg, Sub Divisional Officer, Panjuana.

3.4 In the documentary evidence, the State of Haryana has produced and proved two sale deeds, a tabulated compilation of which is incorporated in para 5.3 of the judgment.

3.5 In the rebuttal evidence, the landowners have tendered the certified copy of minutes of the Meeting of Divisional Level Committee and it is exhibited as Ex.PX.

4. Analysis of the Reasons Recorded by the RC

4.1 The first reason assigned by the RC is correct to a certain extent as certain amount of guess work is inevitable. However, the RC does not sit in the appeal against the award passed by the LAC. Hence, the RC should

not look for the reasons or formula to arrive at the amount assessed in the LAC's award. The RC has correctly refused to rely upon the LAC's award (Ex.P5) pertaining to the acquired land in village Fatehpuria, however, committed an error in relying upon the Ex.PX. The judgment passed by the RC suffers from perversity as the sale deeds produced by the State of Haryana have neither been noticed nor discussed by the RC. The RC, being the trial Court, was required to discuss the entire evidence produced by the respective parties.

4.2 The RC, while observing that certain amount of guess work is inevitable, has held that the award passed by the RC neither contains any plausible reason for assessing the market value of the acquired land nor evolved any formula of its own to arrive at the amount in question. After noticing that the land acquisition award (Ex.P5) pertaining to the village Fatehpuria is not relevant, the RC has assessed the market value of the acquired land on the basis of minutes of the Meeting (Ex.PX) while assessing the market value of the acquired land @ ₹18,00,000/- per acre.

5. Discussion and Analysis of the arguments of the learned counsel representing the parties.

5.1 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 RC, which was requisitioned.

5.2 On the one hand, the learned counsel representing the landowners have failed to address any significant argument with regard to the enhancement of the market value of the acquired land. However, on the other hand, the learned counsel representing the State of Haryana, while

criticizing the judgment of the RC, has submitted that the judgment suffers from perversity as it has overlooked the sale deeds produced in evidence by the State of Haryana.

5.3 At this stage, it would be appropriate to draw the tabulated compilation of the sale deeds produced in evidence by the State of Haryana as the landowners did not produce any sale deed in support of their claim:-

<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.	R1	1133	16.09.2012	2 K	3,00,000	Sahuwala-1	12,00,000
2.	R2	7636	24.12.2012	14 K-15M	22,12,500	Sahuwala-1	12,00,000

5.4 The judgment of the RC has been authored after partial/selective reading of Ex.PX. On a careful perusal thereof, it is evident that the District Revenue Officer, Sirsa, was requested to read out the Collector’s rates fixed for the purpose of registration of documents and the average rates in the period upto one year prior to the notification under Section 4 of the 1894 Act. In respect of village Sahuwala-1, it has been depicted that the Collector’s rate is ₹15,00,000/- per acre, whereas the projected market rate is ₹18,00,000/- per acre. The Divisional Level Committee has decided to recommend ₹12,00,000/- per acre to the LAC with respect to the acquired land located in village Sahuwala-1.

5.5 At the cost of repetition, the RC has erred in selectively reading the minutes of the Meeting of Divisional Level Committee. It was incorrect on the part of the RC to partially read the minutes of the Meeting of Divisional Level Committee and to deliver an erroneous judgment.

5.6 The comparable sale instances, pertaining to the contemporaneous period, as the best and the most reliable evidence to assess the market value of the acquired land. In this batch of appeal, the State of Haryana has produced the two sale deeds. Though, the sale deed bearing No. 1133 dated 16.05.2012 (Ex.R1) is with regard to a smaller parcel of land, however, the sale deed bearing No.7636 dated 24.12.2012 (Ex.R2) is with respect to nearly two acres of land located in village Sahuwala-1. The aforesaid land has been sold @ ₹12,00,000/- per acre just two months prior to the date of notification under Section 4 of the 1894 Act. Thus, it is obvious that the market value of the agricultural land in village Sahuwala-1 was around ₹12,00,000/- per acre. In the absence of any better evidence of the acquired land, the RC should have relied upon the same particularly when the landowners did not produce any sale instance in support of their case. However, the State of Haryana has not filed any appeal challenging the correctness of the award passed by the RC. Though, the learned counsel representing the State of Haryana has submitted that this Court should exercise the powers under Order XLI Rule 33 of the Code of Civil Procedure, 1908, however, in the facts of the present case, this Court does not find it appropriate to exercise such a power.

6. Decision

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

Sr. No.	Case No.	Party’s Name
1.	RFA-713-2018	GULAB SINGH AND ANR. V/S STATE OF HARYANA AND ANR.
2.	RFA-715-2018	AMRIK SINGH AND ANR. V/S STATE OF HARYANA AND ANR.
3.	RFA-1135-2018	GURDEEP SINGH AND ORS V/S STATE OF HARYANA AND ANR
4.	RFA-1136-2018	GURDEEP SINGH AND ORS V/S STATE OF HARYANA AND ANR
5.	RFA-1137-2018	BAWA SINGH AND ORS V/S STATE OF HARYANA AND ANR
6.	RFA-1138-2018	BAWA SINGH AND ANR V/S STATE OF HARYANA AND ANR
7.	RFA-1139-2018	BAWA SINGH AND ANR V/S STATE OF HARYANA AND ANR
8.	RFA-1508-2018	INDRAJ (NOW DECEASED) THR HIS LRS AND ORS V/S STATE OF HARYANA AND ANR
9.	RFA-1511-2018	AMI LAL & ORS V/S STATE OF HARYANA AND ANR
10.	RFA-1512-2018	RAM KISHAN AND ORS V/S STATE OF HARYANA AND ANR
11.	RFA-1513-2018	BAHADAR (NOW DECEASED) THR. HIS LRS AND OTHERS V/S STATE OF HARYANA AND ANOTHER
12.	RFA-1970-2018	SMT. BIMLA AND ORS V/S STATE OF HARYANA AND ANR
13.	RFA-1971-2018	JAISA RAM SINCE DECEASED THROUGH LRS AND ORS V/S STATE OF HARYANA AND ANR
14.	RFA-2791-2018	GURNAM SINGH AND ORS V/S STATE OF HARYANA AND ANR
15.	RFA-2792-2018	GURNAM SINGH AND ORS. V/S STATE OF HARYANA AND ANR.
16.	RFA-2677-2019	GULZARI V/S STATE OF HARYANA AND ORS

(Anil Kshetarpal)
Judge

November 11, 2022
“DK”

DEEPAK KUMAR BHARADWAJ
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