In the High Court of Punjab and Haryana, at Chandigarh

Regular First Appeal No. 395 of 2020 (O&M)
And Other Connected Cases

Date of Decision: 27.10.2022
Reserved On: 12.09.2022

Tara Chand (Deceased) through his legal representatives
... Appellant(s)

Versus

State of Haryana and others
... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Arun Kumar Singal, Mr. Anil Dutt, Mr. S.P.Chahar, Mr. Rajeev Sharma (Raju), Mr. Ram Pal Verma and Mr. Sandeep Gehlawat, Advocates for the landowners.

Ms. Vibha Tewari, Assistant Advocate General, Haryana, for the respondents.

Anil Kshetarpal, J.

1. Introduction and Background

1.1 While praying for modification of the award passed by the Reference Court (hereinafter referred to as "the RC"), the landowners as well as the State of Haryana have filed this batch of appeals (details whereof are given at the foot of the judgment).

1.2 The notification under Section 4 and 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") are common, whereas the RC, while passing three different awards, has assessed identical market value of the acquired land.

1.3 The learned counsel representing the parties are *ad idem* that all the appeals in the present batch can conveniently be disposed of by a common judgment.

1.4 The relevant particulars of the acquisition are as under:-

S.NO.	TITLE	DETAILS
1.	Date of Notification under Section 4 of the 1894 Act.	14.07.2010
2.	Date of Notification under Section 6 of the 1894 Act.	07.07.2011
3.	Purpose of Acquisition.	For construction of road between Sector 30-37, 31-37 and 32-36, Sonepat.
4.	Location, area and nature of the acquired land	The acquired land is located in three different villages, namely Rathdhana, Rai and Asawarpur.
5.	Number and Date of the Award of the Land Acquisition Collector.	The LAC vide award No. 16 dated 15.03.2013 assessed the market value of the acquired land measuring 27.25 acres in the revenue estates of villages Rathdhana, Rai and Asawarpur.
6.	Amount assessed by the Land Acquisition Collector.	₹80,00,000/- per acre.
7.	Date of the judgment of the Reference Court.	16.10.2019.
8.	Amount determined by the Reference Court.	The RC has assessed the market value of the acquired land @ ₹86,60,000/- per acre.

2. Facts

2.1 Dissatisfied with the award passed by the LAC, on the application of the landowners, the matter was referred to the RC. In order to project the market value of the acquired land, it has been asserted that the acquired land leads from Grand Trunk Road to O.P.Jindal Global University and has the potential for being used for commercial purpose. The acquired land is surrounded by many famous industries like M/s Everest Famous

Tools, M/s Kalinga Cables among other industries. Moti Lal Sports School, Rai and a lot of residential sectors are also in located nearby. The Haryana State Industrial and Infrastructure Development Corporation Limited (hereinafter referred to as "HSIIDC") has developed Phase-I and Phase-2 of the Industrial Area and the acquired land falls in the National Capital Region area. The border of Delhi is 50 Kms. away from the acquired land, which is surrounded by K.M.P. Road, O.P.Jindal Global University and the colonies developed by the famous builders like Omaxe, TDI, Ansal, Parsavnath etc. These developers are selling their plots @ ₹40,000/- per square yard. The Rajiv Gandhi Educational City is also located in the area. The acquired land is located near the Grand Trunk Road and Sunstar Rice Mills, Forrex India, a Saw Mill, a Banks' Rest House, a Guest House, B.D.P.O. Office, Rai, Rai Rest House, Moti Lal Nehru Sports School, Patwar Ghar Rai and Police Station, Rai as well as fully developed market of Rai Bus Stand.

2.2 On the other hand, the State of Haryana, while contesting the cases, has claimed that the LAC, before announcing the award, has considered the potentiality, location and all other factors which are necessary for determination of the market value of the acquired land. In other words, it has been claimed that the market value of the acquired land assessed by the LAC is fair, reasonable and adequate.

2.3 From the pleadings of the parties, the following issues were framed by the RC:-

> *"1. What was the market value of the acquired suit land at the time of notification under Section 4 of Land Acquisition Act? OPP*

2. Relief."

3. <u>Evidence Produced by the Parties</u>

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 Vinod Kumar	--
2.	PW.2 Parveen Kumar Gupta	--
3.	PW.3 Ramphal	
4.	PW.4 Madan Sangwan	Architect
5.	PW.5 Satpal Bhardwaj	--
6.	PW.6 Krishan Lal	--
7.	PW.7 Sanjiv Kumar	--
8.	PW.8 Vijay Kumar	Upper Division Clerk

3.2 The following documents were produced by the landowners in the documentary evidence apart from the sale deeds of which a tabulated compilation is extracted in para 4 of this judgment:-

Sr. No.	Exhibit Number	Description of the document
1.	Exhibit P1	Copy of mutation No.2823
2.	Exhibit P2	Copy of jamabandi for the year 2009-2010
3.	Exhibit P3	Copy of jamabandi for the year 2009-2010
4.	Exhibit P4	Copy of notification under Section 9 of LAC
5.	Exhibit P5	Copy of jamabandi for the year 2009-2010
6.	Exhibit P6	Copy of notification under Section 9 of LAC
7.	Exhibit P7	Copy of jamabandi for the year 2009-2010
8.	Exhibit P8	Copy of notification under Section 9 of LAC
9.	Exhibit P9	Copy of jamabandi for the year 2009-2010
10.	Exhibit P10	Copy of jamabandi for the year 2009-2010
11.	Exhibit P11	Aks shiejra
12.	Exhibit P12	Letter dated 12.04.2013 written by District Town Planner, Sonepat to Vinod son of Jai Bhagwan r/o village Rai, Sonepat
13.	Exhibit P13 to 15	Site plans
14.	Exhibit P16	Trading and Profit & Loss account for the year ending 31.03.2015
15.	Exhibit P17	Trading and Profit & Loss account for the year ending 31.03.2014

Sr. No.	Exhibit Number	Description of the document
16.	Exhibit P18	Trading and Profit & Loss account for the year ending 31.03.2013
17.	Exhibit P19	Trading and Profit & Loss account for the year ending 31.03.2012
18.	Exhibit P20	Copy of award No.2 dated 18.09.2015
19.	Exhibit P21	Assessment of building
20.	Exhibit P22	Certificate of assessment
21.	Exhibit P23	Photocopy of map of Saw Mill
22.	Exhibit P24	Structure assessment of ARA Saw Mill
23.	Exhibit P25	Photocopy of structure of ARA
24.	Exhibit P26	Copy of calculation qua earthwork in Excavation
25.	Exhibit P27 to 31	Photographs of Ara and constructed road
26.	Exhibit P32	Aks shiejra
27.	Exhibit P33	Copy of jamabandi for the year 2009-2010
28.	Exhibit P34	Copy of application dated 12.01.2015 written by Parveen Gupta to Revenue Officer, HUDA, Sonepat
29.	Exhibit P35	Copy of application dated 15.12.2014 written by Parveen Gupta to Revenue Officer, HUDA, Sonepat.
30.	Exhibit P36	Copy of application dated 09.07.2015 written by Parveen Gupta to Revenue Officer, HUDA, Sonepat.
31.	Exhibit P37	Map
32.	Exhibit P54	Copy of Regular letter of allotment
33.	Exhibit P55	Copy of conveyance deed dated 20.02.201
34.	Exhibit P56	Copy of conveyance deed dated 24.01.2018
35.	Exhibit P57	Electricity bill dated 30.01.2018

3.3 The State of Haryana, in oral evidence, has examined Sh.Anup Singh, Patwari, as RW.1.

3.4 In documentary evidence, the State has not tendered any evidence and apart from the sale deeds, a tabulated compilation of which is extracted in para 4 of this judgment.

4. The RC has compiled the information with regard to various sale deeds produced by the respective parties in support of their case, the correctness whereof is not disputed by the learned counsels and the same is extracted as under:-

Sr. No.	*Exhibit No.*	*Sale Deed No.*	*Dated*	*Area*	*Amount (In ₹)*	*Name of Village*	*Rate Per acre (In ₹)*
1.	*P38*	*6899*	*29.12.2006*	*2 Acre 14 K*	*2,36,85,750*	*Bad Malik*	*63,16,200*
2.	*P39*	*4945*	*11.07.2011*	*1K 11 M*	*42,30,000*	*Rai*	*2,18,32,258*
3.	*P40*	*11734*	*30.08.2011*	*605 sq. yards*	*27,22,750*	*Rai*	*2,17,82,000*
4.	*P41*	*10724*	*09.12.2005*	*1Acre 4 K 2 M*	*2,03,09,375*	*Bad Khalsa*	*1,34,27,685*
5.	*P42*	*2520*	*22.06.2006*	*1 Acre 10 M*	*1,90,00,000*	*Bad Khalsa*	*1,78,82,352*
6.	*P43*	*15846*	*31.01.2013*	*1Acre 6K 4 M*	*2,99,65,500*	*Liwaspur*	*1,68,81,971*
7.	*P44*	*13925*	*27.12.2012*	*7 K 15 M*	*1,34,56,500*	*Bahalgarh*	*1,38,90,580*
8.	*P45*	*4954*	*25.10.2006*	*5 K 11 M*	*82,55,625*	*Joshi Jat*	*1,19,00,000*
9.	*P46*	*3165*	*21.07.2006*	*5 Acre 1 K*	*6,15,00,000*	*Rathdhana*	*1,22,84,644*
10.	*P47*	*3952*	*04.09.2006*	*2 K 11 M*	*31,23,750*	*Rathdhana*	*98,00,000*
11.	*P48*	*970*	*30.04.2008*	*1 K 15 M*	*31,08,438*	*Rathdhana*	*1,42,10,002*
12.	*P49*	*5472*	*10.11.2006*	*3 K 2 M*	*46,11,250*	*Rathdhana*	*1,19,00,000*
13.	*P50*	*5471*	*10.11.2006*	*2 Acre 2 M*	*2,39,48,750*	*Ahmadpur*	*1,19,00,000*
14.	*P51*	*5473*	*10.11.2006*	*1 Acre*	*1,19,00,000*	*Ahmadpur*	*1,19,00,000*
15.	*P52*	*6673*	*09.12.2009*	*3Acre 1K10 M*	*6,85,31,250*	*Liwaspur*	*2,15,00,000*
16.	*P53*	*337*	*10.04.2007*	*1Acre 7K 2 M*	*2,24,61,250*	*Rathdhana*	*1,19,00,000*
17.	*P55*	*3506*	*20.02.2017*	*451.44 Sq. yards*	*41,57,794*	*Rai*	*Conveyance deed*
18.	*P56*	*4749*	*24.01.2018*	*1048.50 sq. yards*	*99,18,265*	*Rai*	*Conveyance deed*
19.	*R1*	*9722*	*03.03.2010*	*3 K 4 M*	*28,00,000*	*Rathdhana*	*70,00,000*
20.	*R2*	*6608*	*08.12.2009*	*4 K 6 M*	*32,25,000*	*Rathdhana*	*60,00,000*
21.	*R3*	*8250*	*22.01.2010*	*2 Acre 8 M*	*1,43,50,000*	*Rathdhana*	*70,00,000*
22.	*R4*	*1620*	*26.05.2010*	*5 K 19 M*	*59,50,000*	*Rathdhana Barota*	*80,00,000*
23.	*R5*	*5074*	*14.10.2009*	*1 Acre 7 K 4M*	*1,14,00,000*	*Rathdhana*	*60,00,000*
24.	*R6*	*10372*	*09.03.2009*	*4 K 16 M*	*9,60,000*	*Asawarpur*	*16,00,000*
25.	*R7*	*8664*	*06.01.2009*	*3 K 17 M*	*7,70,000*	*Asawarpur*	*16,00,000*
26.	*R8*	*7777*	*08.01.2010*	*7 K 12 M*	*19,00,000*	*Asawarpur*	*20,00,000*
27.	*R9*	*8517*	*30.12.2008*	*1 Acre*	*35,00,000*	*Rai*	*35,00,000*
28.	*R10*	*8740*	*12.01.2011*	*6 K 18 M*	*69,00,000*	*Rai*	*80,00,000*
29.	*R11*	*4870*	*20.09.2010*	*4K*	*40,00,000*	*Rai*	*80,00,000*
30.	*R12*	*5389*	*11.10.2010*	*4K*	*40,00,000*	*Rai*	*80,00,000*
31.	*R13*	*4387*	*31.08.2010*	*2 K 16 M*	*28,00,000*	*Rai*	*80,00,000*

Sr. No.	***Exhibit No.***	***Sale Deed No.***	***Dated***	***Area***	***Amount (In ₹)***	***Name of Village***	***Rate Per acre (In ₹)***
32.	*R14*	*9310*	*15.02.2008*	*2 Acre 2 K*	*89,87,500*	*Asawarpur*	*39,94,444*

5. **<u>Discussion by the Court</u>**

5.1 The RC has discarded the sale deeds (Ex.P38 to Ex. P47 and Ex.P49 to Ex.P52) with the following reasons, the correctness whereof is not disputed by the learned counsel representing the parties:

"i) The sale instance Ex.P-38 dated 29.12.2006 pertains to land measuring 2 kanal 14 marla located in to village Bad Malik which is far away from the land acquired and pertains to another village. So the deed Ex.P-38 dated 29.12.2006 cannot be a good exemplar to determine the market value of the land acquired due to distance from the land acquired as well as it relates to much earlier time.

ii) Both the sale deeds (Ex.P-39 and Ex.40) are with respect to the period post notification under Section 4 of the 1894 Act. The parcels of land sold through these sale deeds are quite near to the village abadi (residential area), so there is some increase in the price of the land being near to the village abadi. However, this land is situated about 10 acre away from the land acquired. In these circumstances Ex.P-39 and Ex.40 cannot be the good exemplar to determine the market value of the land acquired.

iii) The sale instances Ex.P-41 and Ex.P-42 dated 09.12.2005 and 22.06.2006 pertain to village Bad Khalsa which are far away from the land acquired and pertain to another village. So these sale deeds Ex.P-41 and Ex.P-42 dated 09.12.2005 and 22.06.2006, respectively, cannot be a good exemplar to determine the market value of the land acquired due to distance from the land acquired as well as relate to much earlier time. Moreover, the same has not been shown in the site plan Ex.P-37.

iv) So far as the sale instance Ex.P-43 dated 31.01.2013 is concerned, it pertains to land measuring 14 kanal 4 marla and pertains to village Liwaspur which is far away from the land acquired and pertains to another village. So this sale deed Ex.P-43 dated 31.01.2013 cannot be a good exemplar to determine the market value of the land acquired due to distance from the land acquired as well as relates to post acquisition period.

v) So far as the sale instance Ex.P-44 dated 27.12.2012 is concerned, it pertains to land measuring 7 kanal 15 marla and pertains to village Bahalgarh which is far away from the land acquired and pertains to another village. So this sale deed Ex.P-44 dated 27.12.2012 cannot be a good exemplar to determine the market value of the land acquired due to distance from the land *acquired as well as relates to post acquisition period.*

vi) The sale instance Ex.P-45 dated 25.10.2006 pertains to land measuring 5 kanal 11 marla and pertains to village Jat Joshi which is far away from the land acquired and pertains to another village. So this sale deed Ex.P-45 dated 25.10.2006 cannot be a good exemplar to determine the market value of the land acquired due to distance from the land acquired as well as relates to much earlier time.

vii) So far as the sale instance Ex.P-46 dated 21.07.2006 is concerned, it pertains to land measuring 41 kanal 0 marla and pertains to village Rathdhana however, this land is at a great distance from the land acquired so, this sale deed cannot be a good exemplar to determine the market value of the land acquired particularly when it pertains to year 2006 whereas notification under Section 4 of LAC was issued on 14.07.2010. Moreover this land has not been shown in the site plan Ex.P-37.

viii) So far as the sale instance Ex.P-47 dated 04.09.2006 is concerned, it pertains to land measuring 2 kanal 11 marla and pertains to village Rathdhana however, this land is at a distance from the land acquired so, this sale deed cannot be a good exemplar to determine the market value of the land acquired particularly when it pertains to year 2006 whereas notification under Section 4 of

LAC was issued on 14.07.2010. Moreover this land has not been shown in the site plan Ex.P-37.

ix) Now coming to the sale deed Ex.P-49, Ex.P-50, Ex.P-51, these sale deed pertain to village Rathdhana and Ahmadpur from where most of the land had been acquired but all these sale deeds pertain to year 2006 whereas the land has been acquired in the year 2010. A perusal of site plan Ex.P37 reveals that the subject matter of sale deeds Ex.P-49 and Ex.P-50 are far way which is nearly 35 acre away from the land acquired. On the other hand the subject matter of Ex.P-51 has not been shown in the site plan Ex.P37. In these circumstances the aforesaid sale deeds are not the good exemplar to determine the market value of the land acquired.

x) So far as Ex.P-52 is concerned it pertains to land measuring 25 kanal 10 marla which has been purchased by M/s Roll and Breaking Private Ltd. Company. Apparently this land has been purchased for raising construction of building society and pertains to village Liwaspur. It is quite near to education city and has been purchased for some other purpose and it cannot be a good exemplar to determine the market value of the land acquired.

XXXX XXXX XXXX XXXX XXXX

xi) So far as Ex.P-55 and Ex.P-56 are concerned, these are the transfer deed which are executed in the year 2017 much later than the date of acquisition so these conveyance deeds cannot be considered as the best exemplar to determine the market value of the land acquired."

5.2 The RC also ignored the sale instance (Ex.P53) which shall be discussed subsequently. The RC, after noticing that the State of Haryana has produced the sale instances (Ex.R1 to Ex.R14), has refused to rely upon the same on the ground that the price reflected in the sale deeds is less than the amount offered by the LAC, therefore, these sale instances cannot be taken into consideration in view of Section 25 of the 1894 Act. The RC relies upon the judgment passed in ***State of Haryana v. Sher Singh 2009 (5) RCR (Civil) 663*** and ***The State of Punjab and Others v. Gurbax Singh 2009(5) RCR (Civil) 432***. The sale instances (Ex.R1 to Ex.R14) have also been ignored on the ground that no layout plan has been produced to prove that the sale deeds are with respect to comparable parcels of land with the acquired land. Thereafter, the RC relied upon the sale instance (Ex.P48) dated 30.04.2008 with respect to the land measuring 1 kanal and 15 marlas sold @ ₹1,42,10,000/- per acre. It was noticed that the aforesaid parcel of land (Ex.P48) is located nearly 5/6 acres away from the acquired land. Therefore, such sale instance will be a good exemplar for assessing the market value of the acquired land. After noticing that there is a gap of more than two years, the RC proceeded to escalate the price by granting 8% annual increase and arrived at a figure of ₹1,65,74,544/-. Thereafter, the RC applied deduction of 5% on account of distance and arrived at a figure of ₹1,57,45,816/-. Keeping in view the fact that a small parcel of land has been sold vide Ex.P48, the RC applied further deduction of 45% on the amount of ₹1,57,45,816/- and assessed the market value @ ₹86,60,000/- per acre.

5.3 Heard the learned counsel representing the parties, at length and with their able assistance, perused the judgment as well as to the record of the Reference Court, which was requisitioned.

5.4 On the one hand, the learned counsel representing the landowners have contended that the RC has committed an error in applying deduction of 5% and 45%, respectively, without realizing that the acquired land is located in an already developed area, therefore, the market value of the acquired land should have been worked out after applying a reasonable deduction which could, at the most, be 20%.

5.5 On the other hand, the learned State counsel contends that the RC has committed an error in refusing to take into consideration the sale deeds (Ex.R1 to R14) by misinterpreting Section 25 of the 1894 Act. She contends that the award passed by the RC should be set aside.

5.6 At the outset, it is important to note that the RC has erred while wrongly interpreting Section 25 of the 1894 Act. The sale instances produced by the State reflecting a price lower than the amount offered by the LAC could not be, entirely, kept out of consideration while assessing the market value of the acquired land. Section 25 of the 1894 Act does not debar the Court from taking into account sale deeds even if they reflect a price lower than the amount offered lower than the LAC but only debars the Court from assessing the market value at an amount 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***. Thus, the first reason given by the RC is erroneous.

5.7 The RC has also committed an error in ignoring the sale instance dated 10.04.2007 (Ex.P53) which is with respect to the land measuring 15 kanals and 2 marlas, located in village Rathdhana. The RC has held that the land has been purchased out of killas bearing No.119 and 123 which are situated far away from the acquired land, although killa No. 100 is located near the road. But the RC held that this sale deed cannot be held as a good sale instance for determining the market value of the acquired land as it pertains to the year 2007. It would be noticed here that Ex.P37 is a detailed layout plan produced by the landowners identifying the location of various sale instances produced by them in support of their case. The sale instance (Ex.P53) is with respect to 2 acres of land i.e. of a sufficiently large area. It is evident that a narrow strip of land has been acquired for constructing the road. As already noticed, the land has been acquired for constructing a road between Sector 30-37, 31-37 and 31-36. From a bare look at the layout plan (Ex.P37), it is evident that the National Highway-44 (Grand Trunk Road) previously NH-1 is passing from South to North. The acquired land is located in District Sonepat which is the first district once we leave the limits of the National Capital Territory of Delhi for going towards Amritsar. The HSIIDC has already developed the area by carving out the industrial Sectors 36, 37 and 38. O.P.Jindal Global University is also located in the vicinity. Sector 27, 30 and 31 are located on the Northern side of the acquired land. The acquired land starts from the National Highway-44

(Grand Trunk Road) and moves towards the Western side. Village Rai is located near the Grand Trunk Road (National Highway-44). The abadi of village Asawarpur is located on the Eastern side of Grand Trunk Road, whereas, the abadi of village Rathdhana is located at some distance from the Grand Trunk Road. This is how the acquired land is in the revenue estates of three different villages namely, Asawarpur, Rai and Rathdhana, respectively. Apart from that, abadi of village Asawarpur, Liwan and Jatheri is located nearby. Village Bad Malik is also located at some distance. From the perusal of Ex.P37, it is evident that Kundali-Manesar-Palwal Expressway, which is also known as Western Peripheral Road of Delhi is located near the acquired land.

5.8 On perusal of award No. 16 announced by the LAC, it is evident that out of village Rathdhana, the land measuring 8 kanals and 10 marlas comprised in rectangle No. 84 and 85 has been acquired. In village Rai, the land measuring 23.62 acres has been acquired, whereas, land measuring 2.55 acres has been acquired from village Asawarpur.

5.9 The sale deed (Ex.P53) is with respect to the land measuring 15 kanals and 2 marlas, which forms a part of the land comprised in rectangle No. 123, 100 and 119. The Reference Court was incorrect in taking the rectangle numbers as khasra numbers. On perusal of the layout plan (Ex.P37), it is evident that the land comprised in rectangle No.100 is abutting the acquired land, whereas, the land in rectangle No. 119 and 123 is located at some distance. However, it is evident on careful reading of the sale deed that an undivided parcel of land from the joint khata has been sold. The sale instance (Ex.P48) relied upon by the Court, although, is of a small area of 1 kanal and 15 marlas of land, however, it is with respect to the land comprised in village Rathdhana itself. From a perusal of the layout plan (Ex.P37), it is evident that the aforesaid parcel of land is hardly 3 acres away from the acquired land. Thus, the sale exemplars (Ex.P48 and Ex.P53) are comparable sale deeds executed during the contemporaneous period. The sale exemplar (Ex.P48) is executed merely 2 years prior to the date of notification under Section 4 of the 1894 Act, whereas, the sale instance (Ex.P53) is executed merely 3 years prior to the date of notification under Section 4 of the 1894 Act.

5.10 The State has produced the sale deeds of villages Rathdhana, Asawarpur and Rai. However, location of these parcels of land represented by the aforesaid sale deeds (Ex.R1 to Ex.R14) have not been identified by producing a proper layout plan. During the course of hearing, the learned State counsel has produced a layout plan in order to identify the location of the sale instances produced by the State. On perusal thereof, it is evident that these sale instances are not with respect to the comparable parcels of land with the acquired land.

5.11 Keeping in view the aforesaid facts and discussions, now, there are only two relevant sale instances i.e. Ex.P48 bearing sale deed No. 970 and Ex.P53 beraing sale deed No. 337. If we escalate the price of the sale instance (Ex.P53) @ 12% per annum, the amount comes to ₹ 1,61,84,000/-. Likewise, if we grant similar increase @ 12% on the sale deed (Ex.P48) for a period of two years, the amount comes to ₹ 1,76,20,403/-. The sale instance (Ex.P48) is comparatively of a smaller area measuring 1 kanal and 15 marlas. The total area, in terms of square yards, would come to 1058.75

square yards. Ordinarily, an acre of land consists of 4840 square yards. In terms of agricultural land, the unit rectangle means a compact lock of 25 acres of land (5 x 5 acres). Thus, before relying upon the sale instance (Ex.P48), deduction is required to be applied. Similarly, if we rely upon the sale instance (Ex.P53), the same is with respect to land measuringn nearly 2 acres. It would be noted here that there is evidence to show development in the area before the notification under Section 4 of the 1894 Act was issued. It is also evident from the sale deed (Ex.P52) bearing sale deed No. 6673 that the private estate developers had started purchasing the land for developing the residential colonies. Though, the sale deed (Ex.P52) is with respect to the parcel of land in village Asawarpur, however, on the careful perusal of the layout plan (Ex.P37), it is evident that the aforesaid parcel of land is located at a distance of around 10 acres from the acquired land. Moreover, the sale exemplars (Ex.P48, Ex.P52 and Ex.P53) are with respect to the parcels of land having no special features like abutting the road or market. Hence, the sale deed (Ex.P53) bearing No. 337 is considered most appropriate for the purpose of assessing the market value of the acquired land. However, some amount of deduction is required to be applied as the sale instance (Ex.P53) is at located a distance of approximately 30 acres, although in the same vicinity. Hence, it is considered appropriate to apply deduction of 20% on the amount of ₹1,61,84,000/-. Accordingly, the amount comes to ₹1,29,47,200/- per acre.

6. <u>Decision</u>

6.1 Resultantly, the appeals filed by the landowners are allowed, whereas, the appeals filed by the State are dismissed. The market value of the acquired land is assessed at ₹1,29,47,200/- per acre.

6.2 The miscellaneous application(s) pending, if any, in all the appeals, shall stand disposed of.

(Anil Kshetarpal)
Judge

October 27, 2022
"DK"

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

Sr. No.	Case No.	Party's Name
1.	RFA-1565-2021	State Of Haryana And Another V/S Naresh And Others
2.	RFA-1579-2021	State Of Haryana And Another V/S Ram Dutt And Others
3.	RFA-1588-2021	State Of Haryana And Another V/S Zile Singh And Others
4.	RFA-1596-2021	State Of Haryana And Another V/S Kishan Chand And Others
5.	RFA-1613-2021	State Of Haryana And Another V/S Ramphal And Others
6.	RFA-1625-2021	State Of Haryana And Another V/S Kawal Singh And Others
7.	RFA-1652-2021	State Of Haryana And Another V/S Jagjit Through His Lrs And Another
8.	RFA-1663-2021	State Of Haryana And Another V/S Lekh Ram And Another
9.	RFA-1674-2021	State Of Haryana And Another V/S Chand Kaur Deceased Thr. Her Lrs And Others
10.	RFA-1687-2021	State Of Haryana And Another V/S Meera Devi And Another
11.	RFA-1701-2021	State Of Haryana And Another V/S Balram And Others
12.	RFA-1705-2021	State Of Haryana And Another V/S Naresh And Others
13.	RFA-1729-2021	State Of Haryana And Another V/S Krishan And Others
14.	RFA-1739-2021	State Of Haryana And Another V/S Parveen Kumar Gupta And Others
15.	RFA-1744-2021	State Of Haryana And Another V/S Vinod Kumar And Others
16.	RFA-1767-2021	State Of Haryana And Another V/S Raj Kumari And Others
17.	RFA-1770-2021	State Of Haryana And Another V/S Darya And

Sr. No.	Case No.	Party's Name
		Others
18.	RFA-1778-2021	State Of Haryana And Another V/S Tara Chand Deceased Through His Lrs And Another
19.	RFA-1783-2021	State Of Haryana And Another V/S Parma
20.	RFA-1785-2021	State Of Haryana And Another V/S Chand Ram And Others
21.	RFA-1786-2021	State Of Haryana And Another V/S Naresh And Others
22.	RFA-1787-2021	State Of Haryana And Another V/S Balbir And Others
23.	RFA-1790-2021	State Of Haryana And Another V/S Rajinder And Others
24.	RFA-1792-2021	State Of Haryana And Another V/S Shri Bhagwan And Others
25.	RFA-1823-2021	State Of Haryana And Another V/S Ramphal And Others
26.	RFA-2660-2021	Rishi Ram And Ors V/S State Of Haryana And Others
27.	RFA-277-2020	Balram Since Deceased Through Lrs And Ors V/S State Of Haryana And Ors
28.	RFA-278-2020	Raj Kumari And Others V/S State Of Haryana And Others
29.	RFA-279-2020	Lekh Ram V/S State Of Haryana And Others
30.	RFA-282-2020	Shri Bahgwan And Others V/S State Of Haryana And Others
31.	RFA-286-2020	Ramphal And Anr V/S State Of Haryana And Ors
32.	RFA-288-2020	Balbir And Others V/S State Of Haryana And Others
33.	RFA-378-2020	Naresh And Others V/S State Of Haryana And Others
34.	RFA-379-2020	Parveen Kumar Gupta And Another V/S State Of Haryana And Others
35.	RFA-380-2020	Zile Singh And Another V/S State Of Haryana And Others
36.	RFA-381-2020	Vinod Kumar And Another V/S State Of Haryana And Others
37.	RFA-383-2020	Chand Kaur Through Lrs And Others V/S State Of Haryana And Others
38.	RFA-434-2020	Kanwal Singh Deceased Thr. His Lrs And Others V/S State Of Haryana And Others
39.	RFA-489-2020	Jagjit Deceased Through Lrs V/S State Of Haryana And Others
40.	RFA-495-2020	Meera Devi V/S State Of Haryana And Others
41.	RFA-532-2020	Krishan V/S State Of Haryana And Others
42.	RFA-533-2020	Naresh And Ors V/S State Of Haryana And Ors

Sr. No.	Case No.	Party's Name
43.	RFA-548-2020	Kishan Chand (DECEASED) And Another V/S State Of Haryana And Others
44.	RFA-570-2020	Ram Dutt And Others V/S State Of Haryana And Others
45.	RFA-614-2020	Rajinder And Others V/S State Of Haryana And Others
46.	RFA-1636-2021	State Of Haryana And Anr V/S Saroj And Ors.

(Anil Kshetarpal)
Judge

October 27, 2022
"DK"