



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206 (2 cases)

RFA No.1242 of 1997 (O&M)
DATE OF DECISION: 22nd AUGUST, 2024

Baru Appellant
Versus
State of Haryana Respondent

2. **RFA No.1246 of 1997 (O&M)**
Chuhar Singh and others Appellants
Versus
State of Haryana and another Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. R.S. Longia, Advocate
for the appellant in RFA-1242-1997.

None for the appellants in RFA-1246-1997.

Ms. Safia Gupta, AAG, Haryana.

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RAJBIR SEHRAWAT, J. (Oral)

1. By this common order, both the aforementioned appeals shall stand decided as almost common facts are involved therein.
2. For reference, the facts, broadly, are being taken from RFA No.1242 of 1997.
3. The present appeal has been filed against the award dated 01.02.1997 passed by the Additional District Judge, Kurukshetra, whereby the appellant(s) has been awarded compensation at a flat rate of Rs.18,000/- per acre for his land acquired by the State.



4. The brief facts giving rise to the present appeal are that on 26.01.1982 the respondent-State of Haryana issued a notification under Section 4 of the Land Acquisition Act (for short, the Act) qua a land measuring 2.83 acres situated in village Shadipur Shahbad, Tehsil Thanesar, for the purpose of construction of road to village Shadipur Shahabad. The appellant(s) was the owner of the area notified by the State. Although, the initial notification was for an area measuring 2.83 acres, however, on the spot, when measured, the same was found to be 3.05 acres. After completion of the process of acquisition, the Collector passed the award dated 19.09.1986 and by classifying the land into Chahi and ghair mumkin, awarded an amount of Rs.11,000/- per acre for chahi land and an amount of Rs.9,000/- per acre for ghair mumkin land; as the compensation. Feeling aggrieved against the same, the appellant approached the Reference Court. Vide the impugned award dated 01.02.1997, the Reference Court has done away with the classification of the land on the ground that the acquired land is in a strip along with passage, therefore, no classification would be justified, and thus has awarded a flat rate of Rs.18,000/- per acre as the compensation. Challenging the said award, the present appeal has been filed.

5. Arguing the case, learned counsel for the appellant in RFA No.1242 of 1997 has submitted that the Court below has gone wrong in law in assessing the value of the land to be Rs.18,000/- per acre. While so assessing, the Court below has not properly appreciated the fact that the appellant had led positive evidence in the form of the sale exemplars contained in Ex.P-1 to P-3. The said evidence shows that the value of the land was increasing with the time and had reached from Rs.18,000/- to



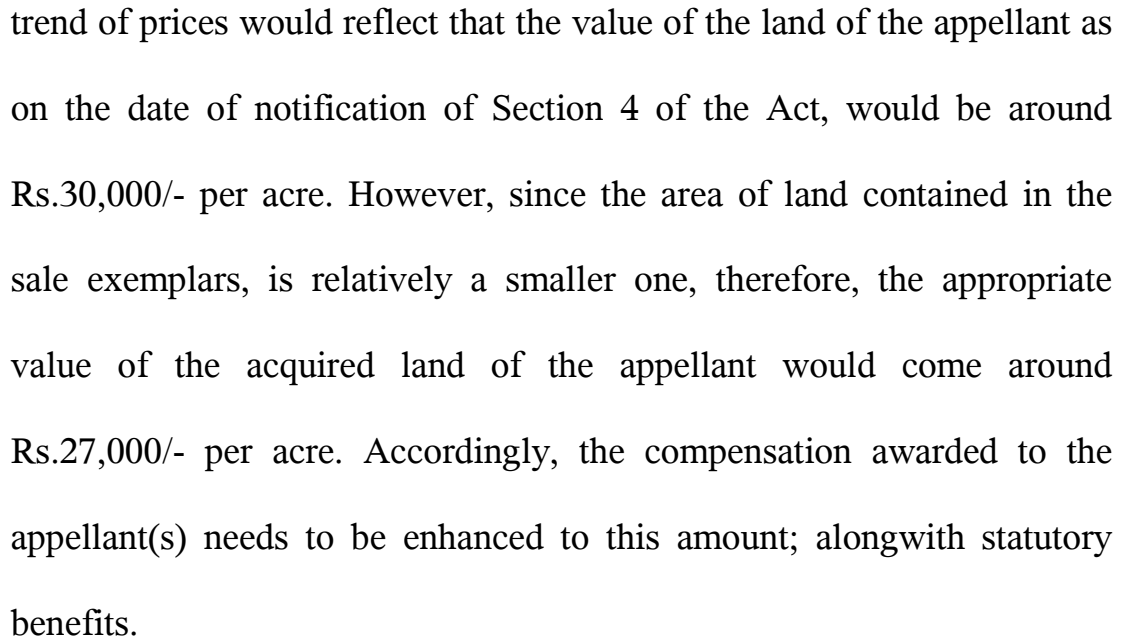
Rs.24,000/- per acre within a short span of nine months. Even the average price of the sale exemplars was higher than the amount awarded by the Reference Court. In any case, a perusal of the sale deeds Ex.P1 to Ex.P3, with reference to their dates and the value reflected therein shows that on the date of issuance of notification under Section 4 of the Act, the value of the land would be not less than Rs.30,000/- per acre. Therefore, the compensation should be awarded to the appellant at the rate of Rs.30,000/- per acre. It is further submitted by learned counsel for the appellant that the Court below has wrongly tried to discard the value reflected in the sale exemplars produced by the appellant, on the ground that no *Aks Shajrah* was placed on record showing situation of the acquired land compared with the land comprised in sale exemplars. In fact, there had not been any dispute regarding location of the land of the sale exemplar to be in the village adjacent to the village where the acquired land is situated. The fact that the sale exemplars were relevant is also verified by the fact that even the State had relied upon the sale deed belonging to the same village as were relied upon by the appellants.

6. Learned counsel for the appellant has further submitted that *Aks Shajrah* Ex.P4 led in evidence by the appellant shows that the land was situated adjacent to the already existing passage, therefore, the land of the appellant was much more valuable, than an ordinary land which might be situated at a distant place but even in the same village. Accordingly, it is submitted that the present appeal be allowed and the compensation payable to the appellant on account of acquisition of the above said land be enhanced to Rs.30,000/- per acre.



7. On the other hand, learned counsel for the respondent-State has submitted that the Reference Court has rightly awarded the compensation to the appellant. There is no defect in the impugned award passed by the Court below. So far as the sale exemplars placed on record by the appellant are concerned, the same are for very small piece of land. Therefore, the said sale deeds cannot be relied upon in *toto*. Even the State had led in evidence the sale exemplars as Ex.R-1 to R-3, as per which the average sale price comes to be much lower than the amount awarded to the appellant. Accordingly, it is submitted that the present appeal deserves to be dismissed.

8. Having heard learned counsel for the parties, this Court finds substance in the arguments raised by learned counsel for the appellant. The argument of learned counsel for the appellant gets credence due to the very fact that even the Collector had recorded that the average sale price in the area on the date of notification was about Rs.17,634/- per acre, though he had awarded only Rs.11,000/- and Rs.9,000/- as the compensation for the acquired land. In the backdrop of this opinion of the Collector itself, the sale deeds produced by the appellant i.e. Ex.P-1 to Ex.P-3, appear to be presenting the true picture of the present market value of the land in the area at the relevant time. If one is to peruse and appreciate the value reflected in the sale exemplars Ex.P-1 to P-3, it becomes very clear that within a short period of about nine months, the value of the property in the area had gone up from Rs.18,700/- per acre to Rs.24,723/- per acre. The land was acquired on 26.01.1982, i.e., after more than one year of the last sale exemplar produced by the appellant. Accordingly, in normal course, the increasing



10. In view of the above, both the appeals are allowed with costs. The appellant(s) is/are held entitled to the compensation at the rate of Rs.27,000/- per acre, alongwith the statutory benefits.

No