



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 18.07.2024

1.

RFA-2432-1996 &
XOBJR-47-CI-1997

STATE OF HARYANA
VERSUS
SHARBATI AND OTHERS

....Appellant

....Respondents
2.

RFA-2474-1996

STATE OF HARYANA & OTHERS
VERSUS
SURJIT SINGH & OTHERS

....Appellant(s)

....Respondent(s)
3.

RFA-2475-1996

STATE OF HARYANA & OTHERS
VERSUS
SURJIT & OTHERS

....Appellant(s)

....Respondent(s)
4.

RFA-2476-1996

STATE OF HARYANA & OTHERS
VERSUS
KULVINDER KAUR & OTHERS

....Appellant(s)

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Shivendra Swaroop, DAG, Haryana.

Mr. Arun Kumar Singal, Advocate
for the respondents.

HARKESH MANUJA, J. (Oral)

1. Vide this common order, all the aforesaid four appeals are

being disposed off as common question of law is involved in all these



appeals. For convenience, facts are being drawn from RFA-2432-1996.

2. By way of present appeal(s), challenge has been laid to an award dated 10.05.1996 passed by the Reference Court-cum-Additional District Magistrate, Panipat (hereinafter referred to as 'Reference Court') whereby, the reference petition(s) invoking Section 18 of the Land Acquisition Act (hereinafter referred to as 'the Act') filed at the instance of landowners, have been partly allowed. Along with the aforesaid appeals, cross-objections have also been filed by the landowners in RFA-2432-1996.

3. Briefly stating, in the present case, 6.18 acres of land situated within the revenue estate of Village Daryapur, Hadbast No.48, Tehsil Panipat, the then District Karnal, came to be acquired vide notification dated 16.08.1986 issued under Section 4 of the Act followed by notification dated 06.06.1987 under Section 6 thereof. Award No.1 dated 08.07.1988 for the year 1988-89 was made by the Land Acquisition Collector on 08.07.1988 whereby, market value of the acquired land was assessed at Rs.30,000/- per acre for Chahi land, Gair Mumkin Khal and also for Gair Mumkin Bara. Regarding Banjar Kadeem, the compensation was fixed at Rs.10,000/- per acre besides awarding other statutory benefits in favour of landowners.

4. Aggrieved thereof, the landowners invoked reference under Section 18 of the Act seeking enhancement of compensation which came to be disposed of by the Reference Court vide decision dated 10.05.1996 whereby the belting of the acquired land qua



assessment of compensation was done away with and the market value was fixed at the uniform rate of Rs.40,000/- per acre besides other statutory benefits.

5. By way of present appeal(s) as well as cross-objection, both the sides have assailed the aforesaid decision.

6. Learned counsel for the appellant-State submits that in the absence of there being any evidence available on record, regarding any increase of price for the land in the area for the intervening period, the Reference Court went wrong while granting increase upon the sale price of the sale deed dated 17.07.1984 (Exhibit RA) and that too at the rate of 12% per annum. Learned counsel, thus, submits that no interference was called for by the Reference Court with the assessment made by the Land Acquisition Collector towards the market value and accordingly, prays for setting aside of the impugned award.

7. On the other hand, learned counsel appearing on behalf of the cross-objector/landowners submits that the Reference Court went wrong while having failed to rely upon the sale deed Exhibit PB on the ground that the same pertained to a small piece of land whereas, in fact, it comprised of 2 kanals 2 marlas of land with sale price at the rate of Rs.87,619/- per acre. He, thus, submits that after applying suitable cut towards development charges compensation was thus required to be assessed by the Reference Court in the given facts and thus, prays that the impugned award requires modification.



8. I have heard learned counsel for the parties and gone through the paper-book.

9. In the present case, landowners have proved on record sale deed Exhibit PB which pertained to 2 kanals 2 marlas of land and was executed on 02.01.1986. The sale price of Exhibit PB admittedly comes to Rs.87,619/- per acre. The aforesaid sale deed was discarded by the Reference Court for the reason that the same pertained to a small piece of land measuring 2 kanals 2 marlas. However, in the given facts and circumstances, wherein the acquisition in hand was merely for 6.18 acres of land and that too for a public purpose for construction of link road from Panipat-Assandh road to Urlana Khurd, the Reference Court went wrong while discarding the sale deed Exhibit PB, which was for 2 kanals 2 marlas of land and even formed part of the same revenue estate of village Daryapur. Furthermore, considering the extent of land acquired besides its purpose as well wherein no area was required to be left for roads, for community purpose or even for sewerage, drainage etc., the sale deed Exhibit PB was required to be taken into consideration as exemplar sale deed by the Reference Court for the purposes of determination of market value.

10. In such circumstances, the acquisition in the case in hand having commenced vide notification dated 16.08.1986 issued under Section 4 of the Act, rather than relying upon sale deed Exhibit RA which pertained to the year 1984 (17th July, 1984), while treating the sale deed Exhibit PB as comparable sale instance being dated



02.01.1986 i.e. just prior to the commencement of the acquisition proceedings in reference and after applying thumb rule cut of 1/3rd towards development charges thereupon, the market value was required to be at Rs.58,000/- (rounded of) per acre.

11. Accordingly, in view of the discussion made hereinabove, the impugned award dated 10.05.1996 passed by the Reference Court is thus, modified to the extent that the landowners in the present proceedings shall be entitled for market value at the rate of Rs.58,000/- per acre besides all other statutory benefits and interest provided under the Act.

12. Resultantly, the appeal(s) filed by the State are hereby dismissed and cross-objection by the landowners are allowed.

13. Pending application(s), if any, shall also stand disposed of.

July 18, 2024
Sangeeta

(HARKESH MANUJA)
JUDGE

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