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1. **RFA-3622-1998 (O&M)**

Rulia

Haryana State thr. The Collector, Hisar and another

2.

Bhateri and others

State of Haryana thr. The Collector, Hisar and another

3.

Ram Singh

State of Haryana thr. The Collector, Hisar and others

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sandeep Punchi, Advocate,
for the appellant(s)-landowner(s).

Mr. Shivendra Swaroop, DAG, Haryana,
for the respondent(s)-State.

HARKESH MANUJA J. (Oral)

1. This common judgment of mine shall dispose of above mentioned three appeals filed by the appellant(s)-landowner(s) as they all involve common question of law and facts.

For convenience, the facts are being taken from RFA-3622-

1998 (O&M).

2. By way of present appeal, challenge has been laid to an award dated 08.05.1998 passed by the Reference Court-cum-Additional District Judge, Hisar, whereby reference petition(s) filed at the instance of appellant(s)-landowners invoking Section 18 of the Land Acquisition Act, 1894 (herein after called “1894 Act”), stands dismissed.

3. Briefly stating, certain land owned by the appellant(s)-landowners, situated in the revenue estate of village Puthi-Samain, Tehsil Hansi, District Hisar, came to be acquired vide notifications dated 21.12.1990 and 13.08.1991, issued under Sections 4 and 6, respectively, of the 1894 Act, for the construction of a road from village Bass to village Puthi Samain. Total land under acquisition was 1.59 Acres. The Land Acquisition Collector, in exercise of its powers under Section 11 of the 1894 Act, awarded the compensation in the following manner along with statutory benefits:-

Sr. No.	Class of Land	Area under acquisition	Price
1.	Nehri	8 kanals 13 marlas	Rs.54,149.00
2.	Tal	3 kanals 06 marlas	Rs.12,408.00
3.	G.M. Nahari	09 marlas	Rs.2,817.00
4.	G.M.Johri	06 marlas	Rs.1,128.00
		12 kanals 14 marlas	Rs.70,502.00

4. Aggrieved of the award passed by the Land Acquisition Collector, appellants-landowners invoked reference petition(s) under Section 18 of the 1894 Act, seeking enhancement of compensation. Upon consideration of the material available on record, the Reference Court vide its award dated 08.05.1998 decided the reference petition as under:-

“In view of my finding of the above issue all the reference petitions in hands seeking enhancement of the compensation amount as awarded by the L.A.C. stand dismissed but the claimant Abhey Ram is held entitled to be paid Rs.27147.72 paise as compensation in respect of trees standing on the acquired land on the date of acquisition of preliminary notification dated 21.12.1990. As the said amount does not however pertain to the value of the land, he is not entitled to any solatium thereon though he shall be entitled to recover interest @ Rs.12% per annum for the period commencing from the date of issuance of preliminary notification dated 21.12.1990 under Section 4(1) of the Act till the date of passing of the award dated 12.08.1993. Memo of costs be prepared accordingly. File be consigned.”

5. By way of present appeal(s), the aforementioned award dated 08.05.1998 has been assailed at the instance of appellants-landowners seeking enhancement.

6. Learned counsel for the appellant(s)-landowners(s) submits that the oral evidence in the form of deposition of PW-2, who happened to be the land-owner, has not been appreciated in proper manner by the Reference Court. He further submits that from the evidence led by the appellants-landowners, it was clearly discernible that the market value of the acquired land was not less than Rs.1.50 lacs per acre and thus, prayed for modification of the impugned award.

7. On the other hand, learned State counsel opposes the prayer made on behalf of the appellants-landowners while submitting that in the absence of production of any documentary evidence in the shape of sale deeds pertaining to the adjacent or similarly placed land or even any award passed by the Reference Court in relation to the acquisition related to the

same revenue estate was proved on record, the Reference Court committed no illegality while declining the reference petition(s) filed by the appellants-landowners and thus, the same required no interference.

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

9. A perusal of record shows that besides the two landowners, namely, Abhey Ram and Dhupa having made oral deposition while appearing as PW2 and PW3, respectively, about the market value of the land to be Rs.1,50,000/- per acre at the time of acquisition, no documentary evidence whatsoever has been produced or proved on record, so as to substantiate their claim of seeking enhancement towards the market value of the acquired land.

10. In such, circumstances and in the absence of any substantial evidence been produced on record from the side of the appellants-landowners, especially on account of inadequacy of any exemplar sale deed been proved on record, no illegality or perversity can be found with the reasoning recorded by the learned Reference Court, while refusing to rely upon oral deposition made by the landowners with regard to the market value of acquired land. Resultantly, the aforementioned appeals are dismissed being devoid of merits with no interference called for with the impugned awards.

11. Pending application, if any, stands disposed of.

05.07.2024
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(HARKESH MANUJA)
JUDGE

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