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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RFA-3158-1999
Date of Decision: July 22, 2024

STATE OF HARYANA Appellant
Versus
SUSHIL KUMAR & ORS Respondents

RFA- 3159-1999
STATE OF HARYANAAppellant
Versus
GURDEV SINGHRespondent

RFA- 3160-1999
STATE OF HARYANA Appellant
Versus
BABU RAM AND ORS. Respondents

RFA- 3161-1999
STATE OF HARYANA Appellant
Versus
SAT PAL & ORS Respondents

RFA- 3162-1999
STATE OF HARYANAAppellant
Versus
ROOP RAMRespondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Shivendra Swaroop, DAG, Haryana.
Mr. Rohit Singh, Advocate for
Mr. S.S. Dinarpur, Advocate for respondents.

HARKESH MANUJA, J. (ORAL)

Vide this common order, aforementioned five appeals are being decided. For convenience, the facts are being drawn from RFA-3158-1999.

2. By way of present appeal(s), challenge has been laid to an award dated 18.02.1999 passed by the Reference Court-cum-Addl.

District Judge, Jagadhari whereby, the reference under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as ‘the Act’) filed at the instance of appellants-landowners seeking enhancement of compensation was partly allowed.

2. In the present case, land measuring 2.13 acres owned by the respondents-landowners, falling within the revenue estate of Village Kulchandu, Tehsil Jagadhari, District Yamuna Nagar was sought to be acquired vide notification dated 29.03.1988 issued under Section 4 of the Act for the public purpose of construction of link road from Village Kulchandu to Satari Road. Award under Section 11 of the Act was passed by the Land Acquisition Collector on 20.09.1989 and the following assessment was made towards compensation:-

<u>Kind of land</u>	<u>Rates per acre allowed.</u>
1. Chahi	Rs. 30,000/-
2. Barani	Rs. 20,000/-
3. Banjar kadim	Rs. 10,000/-

3. Aggrieved thereof, the respondents-landowners filed reference petition under Section 18 of the Act seeking further enhancement. Vide decision dated 18.02.1999, the references filed at the instance of respondents-landowners were disposed of while doing away with the belting system and a uniform rate of Rs.50,000/- per acre was awarded for all types of lands. Aggrieved thereof, the appellants-State has preferred the present appeal(s).

4. Impugning the award dated 18.02.1999 passed by the Reference Court, learned State counsel submits that the Reference Court went wrong while relying upon two sale deeds Exs.P-1 and P2 which pertained to the year 1983 and 1986 respectively as both were relating to small piece of land measuring 4 marlas only. He thus submits that the aforesaid two sale deeds could not have been considered as exemplar sale deeds while determining the market value. Learned State counsel further submits that the Reference Court also went wrong while having not relied upon the sale deeds Exs. R-1 to R-3 which were produced by the appellant-department.

3. I have heard learned counsel for the appellant and gone through the paper-book. I am unable to find substance in the submissions made by learned counsel for the appellant.

4. In the present case, the total acquisition pertains to 2.13 acres of land situated within the revenue estate of Village Kulchandu for the public purpose for construction of a link road from Kulchandu to Satari Road. As a matter of fact, it has been proved on record that the land under acquisition was abutting the Abadi Deh of Village Kulchandu and thus, was having positional advantage towards its user as commercial-cum-residential purpose. This fact even further finds corroboration from the sale deeds produced and proved on record as Exs.P-1 to P-3 which relate to small portions of land meaning thereby, those transactions also related to non-agricultural purposes. In such circumstances, no illegality or perversity can be found with the

reliance placed upon sale deeds Ex.P-1 (dated 04.05.1983) Ex.P-2 (dated 03.03.1986) and Ex. P-3 (dated 20.10.1987) relating to 4-5 marlas of land especially those pertaining to the same revenue estate, by the Reference Court for the purposes of determining the market value pertaining to the land in question of which the acquisition commenced with the notification dated 29.03.1988 issued under Section 4 of the Act.

5. Moreover, in the given facts and circumstances and also in view of the discussion made hereinabove, the Reference Court nowhere went wrong while applying 12% appreciation per annum upon the sale price/consideration pertaining to the sale deed dated 03.03.1986 (Ex.P-2) till the date of notification under Section 4 of the Act in the present acquisition especially, when it was apparent from the records in the shape of sale deeds Ex. P-1 and Ex.P-2 that the sale price per marla in the revenue estate in question went up from Rs.375/- to Rs.500/- between May 1983 to March 1986. In the humble opinion of this Court, no merit can be found with the arguments raised by the appellant that Exs.R-1 to R-3 were to be relied upon and dealt with by the Reference Court while determining the amount of compensation as all those sale deeds were consciously discarded even by the Land Acquisition Collector at the time of passing of the Award under Section 11 of the Act, undoubtedly, for the reasons that these transactions were not treated to be as bona fide one for the purposes of determining the market value. In such circumstances, no reliance can be placed upon the sale deeds Exs. R-1 to R-3. Accordingly, having determined the

market value of the land under acquisition while relying upon sale deed dated 03.03.1985 Ex.P-2 and applying escalation of 12% per annum from the date of said sale deed till the date of notification under Section 4 of the Act in the present case and thereafter applying cut of 30% thereupon, the market value was rightly assessed at Rs.50,000/- per annum besides awarding all other statutory benefits under the Act.

6. In such circumstances, no interference is called for with the award passed by the Reference Court having awarded compensation/market value at the uniform rate of Rs.50,000/- per annum for all kinds of land especially when, the acquisition merely relates to a small chunk of land measuring 2.13 acres. As such, the present appeals are dismissed, being devoid of merits.

22.07.2024

(HARKESH MANUJA)
JUDGE

Tejwinder

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No