



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 17.07.2024

RFA-4643-1998

1. STATE OF HARYANA
-Appellant
- VERSUS
- MOLU RAM
-Respondent

RFA-4644-1998

2. STATE OF HARYANA
-Appellant
- VERSUS
- PREM PAL AND ORS.
-Respondents

RFA-4645-1998

3. STATE OF HARYANA
-Appellant
- VERSUS
- BUDHA
-Respondent

RFA-2857-1999

4. MOLU RAM
-Appellant
- VERSUS
- STATE OF HARYANA
-Respondent

RFA-3553-1999

5. PREM PAL & ORS.
-Appellants
- VERSUS
- THE STATE OF HARYANA & ORS
-Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Shivendra Swaroop, DAG, Haryana.

Mr. Satish Chaudhary, Advocate
for the appellant(s) in RFA-2857-1999 & RFA-3553-1999
for the respondent(s) in RFA-4643-1998, RFA-4644-1998 &
RFA-4645-1998.

HARKESH MANUJA, J. (Oral)

1. By way of present judgment, all the aforesaid five appeals are
- being disposed of as the same involve common question of law and facts.



2. By way of present appeal(s), challenge has been laid to an award dated 08.09.1998 passed by the Reference Court-cum-Additional District Judge, Jagadhari whereby reference under Section 18 of the Land Acquisition Act filed at the instance of landowners was partly allowed.

3. Briefly stating, vide notification dated 20.01.1987 issued under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act') 03 kanals 07 marlas of land situated in the revenue estate of village Nagal was sought to be acquired for construction of link road on Yamuna Nagar to Khajuri road to Government High School, Nagal.

3. Notification under Section 6 of the Act was issued on 02.06.1987 followed by award dated 15.12.1987 passed by the Collector in exercise of powers under Section 11 of the Act whereby market value of the acquired land was determined at the rate of Rs.39,000/- per acre for Chahi, Rs.27,000/- per acre for Barani land and Rs.7,000/- per acre for Gair Mumkin land.

4. Aggrieved thereof, landowners filed separate references under Section 18 of the Act seeking enhancement of compensation. Reference Court-cum-Additional District Judge, Jagadhari, vide its award dated 08.09.1998, assessed the market value at the uniform rate of Rs.1,44,000 per acre while placing reliance upon sale deed Exhibit P-1.

5. Impugning the aforesaid award, learned counsel for the landowners submits that having recorded that the land forming part of sale deed Exhibit P-1 was from the same Khasra number i.e. 35/19 from which the acquisition in hand was carried out, the cut of 40 per cent imposed upon its sale consideration was wholly unjustified especially considering the fact that the acquisition in the present case was of a small piece of land



measuring 03 kanals 07 marlas only. He further submits that the land was situated near the Government High School, the Post Office and certain other commercial buildings, in the revenue estate of village Nagal and thus, was having substantial potential value and as such the compensation was required to be enhanced.

6. On the other hand, the prayer made herein has been vehemently opposed at the instance of learned State counsel while submitting that Reference Court wrongly relied upon sale deed Exhibit P-1 which pertained to a small piece of land measuring 05 marlas only and thus the same, could not have been treated as a comparable sale deed while determining the market value. He further submits that no valid reasons were recorded by the Reference Court while discarding the sale deeds Exhibits R-1 to R-3 produced by the department wherein the market value reflected was around Rs.18000/- to Rs.19000/- per acre. In such circumstances, the determination made by the reference Court was liable to be modified and reduced accordingly.

7. I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made on behalf of the landowners.

8. In the present case, from the evidence available on record it can be deciphered that the land forming part of the sale deed Exhibit P-1 pertains to the same Khasra number i.e. 35/19 from which the acquisition proceedings in the present case have been carried out for the purpose of development as residential or commercial areas. In the case in hand, only 03 kanals 07 marlas of land has been acquired and that too for the purpose of laying down of link road and thus, the strict principles of deductions or



reductions in the sale considerations relating to small parcels of land cannot be made applicable as there is no question of any land being utilized by the development authority towards open spaces, roads, sewerage, drain and other allied purposes. In such circumstances, the cut towards development expenses needs to be applied keeping view the facts of the case in hand. In the present case, wherein the land pertaining to the sale deed Exhibit P-1 forms part of the same Khasra number from which the land has been acquired in the present acquisition proceedings and the acquisition is merely of 03 kanals 07 marlas and that too for laying down of a link road, it would be appropriate to apply deduction of 1/3rd on the sale consideration of Exhibit P-1 which would determine the market value at the rate of Rs.1,60,000/- per acre.

9. Further, in the humble opinion of this Court, the submissions made on behalf of the respondents, as regards the three sale deeds Exhibit R-1 to R-3 being produced by them been ignored by the reference Court, no merit can be found therein as the sale deed Exhibit R-1 relates to some different rectangle number whereas, the sale deed Exhibit R-3 is post notification under Section 4 of the Act and thus, cannot be relied upon for the purpose of determination of market value qua the land under present acquisition. Moreover, it may also be pointed out here that sale deeds Exhibits R-1 and R-2 which relate to the year 1986 i.e the period prior to notification under Section 4 of the Act, were even discarded by the Land Acquisition Collector itself upon conscious appreciation and thus, in such circumstances, the same cannot be relied upon as comparable sale deeds for the purpose of determination of market value at this stage especially in the wake of another comparable sale deed Exhibit P-1 which pertains to



the same khasra number forming part of the land under acquisition. Resultantly, the appeals filed at the instance of landowners are partly allowed thereby enhancing the market value to the tune of Rs.1,60,000/- per acre along with all other statutory benefits and interest whereas, the appeals filed at the instance of respondent-department are dismissed.

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

July 17, 2024
Sangeeta

(HARKESH MANUJA)
JUDGE

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