



**203+204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of decision : 07.02.2025

1.

Dharam Pal

...Appellant

RFA-1193-1995 (O&M)
- Vs.
- State of Haryana and another

...Respondents
2.

Mallho and others

...Appellants

RFA-1198-1995 (O&M)
- Vs.
- State of Haryana and another

...Respondents
3.

Jagan and others

...Appellants

RFA-1621-1995 (O&M)
- Vs.
- State of Haryana and another

...Respondents
4.

Dharam Chand and others

...Appellants

RFA-1650-1995 (O&M)
- Vs.
- State of Haryana and others

...Respondents
5.

Ram Kishan and others

...Appellants

RFA-1688-1995 (O&M)
- Vs.
- State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. R.A. Yadav, Advocate
for the appellant(s).**



Ms. Safia Gupta, AAG, Haryana.

ANIL KSHETARPAL, J. (Oral)

With the consent of the learned counsel representing the parties, these five connected regular first appeals shall stand disposed of by this common order.

RFA-1193-1995 and RFA-1198-1995

1. The crucial date for assessment of market value of the acquired land is 19.05.1990 (Published in the Gazette on 10.06.1990) the date of notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as ‘the Act’). The Land Acquisition Collector (vide Award No. 29 announced on 29.01.1992) assessed the market value in the following manner:-

<i>Chahi</i>	:	<i>Rs.1,03,125/-</i>
<i>Bhood</i>	:	<i>Rs. 92,546/-</i>
<i>Banjar Kadim</i>	:	<i>Rs. 32,984/-</i>
<i>G.M. Pahar</i>	:	<i>Rs. 48,412/-</i>

2. The land owners filed applications under Section 18 of the Land Acquisition Act, 1894, which were referred to the Reference Court. Before the Reference Court, the land owners produced the following sale deeds:-

Ex. No.	Date of sale	Area sold	Sale consideration
P1	21.07.1990	13K-7M	Rs. 9,17,679/-
P2	21.07.1990	2K-16M	Rs. 1,92,500/-
P3	30.9.88	16K-0M	Rs. 2,60,000/-

3. Whereas, the State of Haryana produced the following sale deeds:-

Ex No.	Date of Sale	Area Sold	Sale Consideration
R1	20.6.89	30K-0M	Rs.1,60,000/-



R2	7.7.89	22K-0M	Rs. 1,10,000/-
R3	28.6.89	29K-2M	Rs. 1,45,000/-
R4	26.12.89	14K-7M	Rs.35,000/-
R5	26.12.89	14K-7M	Rs.48,000/-

4. The Reference Court calculated the average price of the sale instances Ex.P1 to P3 and thus, assessed the market value of the acquired land @ Rs.3,40,000/- per acre. Dissatisfied with the amount assessed by the Reference Court these two appeals have been filed.

5. Heard the learned counsel representing the parties at length and with their able assistance perused the paper-book.

6. Learned counsel representing the appellants contends that Ex.P1, the sale deed dated 21.07.1990 ought to have been relied upon for assessing the market value of the acquired land.

7. *Per contra*, learned counsel representing the respondents submits that the sale instances produced by the State have been wrongly excluded from consideration.

8. The sale deeds Ex. P1 and P2 are relating to period post the date of notification under Section 4 of the Act. Hence, the Reference Court committed error in taking these sale instances into consideration. The land owners themselves have produced sale deed Ex.P3 executed on 30.09.1988 with respect to land measuring 16 kanals for Rs.2,60,000/-. The per acre price comes to Rs.1,30,000/-, whereas, the Reference Court has already awarded Rs. 3,40,000/-. The State has not filed any cross appeals.

9. Hence, no ground to interfere is made out.

10. These appeals are dismissed.



RFA-1621-1995, RFA-1650-1995 & RFA-1688-1995

1. There is another batch of three connected appeals.
2. These appeals arise from a separate notification issued on 28.04.1989 under under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as ‘the Act’). Hence, the crucial date for determined the market value is 23.05.1989 when the notification under Section 4 of the Act was published in the Government Gazette. Vide Award No. 27 announced on 20.11.1991, the Land Acquisition Collector assessed the market value in the following manner:-

<i>Chahi and G.M. Abadi</i>	:	<i>Rs.50,000/- per acre</i>
<i>Abi and Magda</i>	:	<i>Rs.45,120/- per acre</i>
<i>Bhood</i>	:	<i>Rs. 40,000/- per acre</i>

3. On filing of application, the matter was referred to the Reference Court. The land owners produced the following sale deeds:-

Ex. No.	Date of Sale	Area sold	Village	Sale price	Average price
P-1	29.08.88	1K-14M	Gawal Pahari	Rs 40,000/-	Rs.1,88,160/-
P-2	30.9.88	16K-0M	Gawal Pahari	Rs.2,60,000/-	Rs.1,30,000/-
P-3	27.10.90	2K-17M	Gawal Pahari	Rs.1,95,940/-	Rs.5,49,920/-
P-4	21.7.90	2K-0M	Gawal Pahari	Rs.1,36,356/-	Rs.6,45,424/-

4. Whereas, the State produced the following sale deeds:-

Ex. No.	Date of Sale	Area sold	Village	Sale price	Average price
R-1	6.9.88	8K-4M	Gawal Pahari	Rs.45,000/-	Rs.43,415/-
R-2	24.6.88	9K-0M	Gawal Pahari	Rs.60,000/-	Rs.53,333/-
R-3	6.9.88	5K-4M	Gawal Pahari	Rs.30,000/-	Rs.46,156/-
	Total	22K-8M		1,25,000/-	Rs.48,214/-



5. The Reference Court relied upon its award passed on 01.02.1995 with respect to acquired land in the same village @ Rs.3,40,000/-. It was found that to assess the market value of the acquired land the reverse cut or deduction can be applied because in this case the notification under Section 4 of the Act was in the year 1989, whereas, in that batch the notification under Section 4 of the Act was issued in the year 1990. Hence, the Court proceeded to assess the market value of acquired land @ Rs. 3,00,000/- per acre as on 28.04.1989.
6. The State of Haryana has not filed any counter appeal.
7. The land owners themselves are relying upon the sale deeds Ex.P1 and P2, which reflect price lower than Rs. 3,00,000/-. The sale instances Ex. P3 and P4 are relating to period post the date of notification under Section 4 of the Act.
8. Learned counsel representing the appellants failed to draw the attention of the Court to any other evidence to prove that the price of the market value of the acquired land was more than Rs.3,00,000/- per acre on the date of notification under Section 4 of the Act.
9. Hence, these appeals are also dismissed.
10. All the pending miscellaneous applications, if any, are also disposed of.

07.02.2025

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Whether speaking/reasoned :
Whether Reportable :

Yes
Yes

(ANIL KSHETARPAL)
JUDGE

No
No