



214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 08.01.2025

1.

RFA-4745-1998 (O&M)

Mandir Mahadev

...Appellant

Vs.

State of Haryana and others

...Respondents

2.

RFA-3388-1998 (O&M)

State of Haryana and others

...Appellants

Vs.

Mandir Mahadev

...Respondent

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rakshit Gupta, Advocate for
Mr. Rakesh Gupta, Advocate
for the appellant.

Mr. Shivendra Swaroop, DAG, Haryana.

ANIL KSHETARPAL, J. (Oral)

1. These two cross-appeals have been filed by the land owners and the State of Haryana respectively against a common Award passed by the Reference Court on 03.06.1998.

2. The only question involved in the present appeal is with respect to assessment of market value of the acquired land. Notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act') was issued on 16.11.1988. The Land Acquisition Collector assessed the market value of the land in the following manner -

	Kind of land	Rates per acre allowed
1.	Chahi	Rs.45,000/-
2.	Gair Mumkin Sarak and Gair Mumkin Basak Mawesian	Rs. 11,240/-

3. Dis-satisfied with the amount awarded by the Land Acquisition Collector, the land owners applied for reference petitions under Section 18 of the Land Acquisition Act, 1894. In order to prove their case, the land owners produced the following sale deeds:-

	Sale deed No./date	Area K	Sold M	Amount	Rate per acre.
Ex. P1	1726/17.2.89	22	10	Rs.1,44,844/-	Rs.44.388/
Ex. P2	1106/22.9.88	24	00	Rs.1,54,500/-	Rs.51.500/
Ex. P3	1420/31.10.89	4	00	Rs.10,000/-	Rs.4,00,000/
Ex. P4	2671/6.12.90	8	00	Rs.60,000/-	Rs.60,000/
Ex. P5	1802/1.1.1990	8	14	Rs.50,000/-	Rs.45,977/
Ex. P6	1584/7.12.89	17	06	Rs.45,000/-	Rs.20,809/

4. *Per contra*, the State relied upon the following sale deed:-

	Sale deed No./date	Area sold K.M	Amount	Rate per acre
Ex.R-1	1076/18.11.87	40-00	Rs.2,00,000/-	Rs.40.000/
Ex.R-2	1021/4.11.87	8-00	Rs.23,000/-	Rs.23,000/
Ex.R-3	1034/28.1.88	12-12	Rs.59,850/-	Rs.38.000/
Ex.R-4	369/24.5.88	16-00	Rs.50.000/-	Rs.25.000/
Ex.R-5	651/8.6.88	8-00	Rs.25.000/-	Rs.25,000/
Ex.R-6	682/10.6.88	47-15	Rs.2.44,720/-	Rs.41,000/
Ex.R-7	1058/5.9.88	9-99	Rs.31.500/-	Rs.28,000/
Ex.R-8	42/12.4.89	9-06	Rs.35,000/-	Rs.30,108/
Ex.R-9	249/16.5.89	32-00	Rs.1.70,000/-	Rs.42,500/
Ex.R-10	444/31.5.1989	4-00	Rs.21,000/-	Rs.42,000/

5. The Reference Court assessed the market value of the acquired



land uniformly @ Rs. 45,000/- per acre. It is evident that except Ex. P-2, other sale deeds are subsequent to the date of notification under Section 4 of the Act, hence correctly rejected by the Reference Court.

6. Ex.P-2 is a sale deed with respect to land measuring 03 acres, which was sold @ Rs.51,500/-. The sale deed was executed only 02 months prior to the date of notification under Section 4 of the Act. The sale deed pertains to land situated in the same village. The acquisition is for the purpose of constructing road. The Reference Court has not recorded any reason for discarding the sale deed Ex.P-2.

7. *Per contra*, learned State counsel submits that the Reference Court has erred in discarding the categorization of the land for the purpose of assessing the market value. He further submits that Ex.P-2, the sale deed was located at a distance of 10 acres from the acquired land.

8. Since, it is a case of compulsory acquisition of the land, therefore, the landowner, who stood deprived of the land is entitled to rely upon the sale deed of comparable parcel of land. In this case, the acquisition is for laying down a road. The sale deed Ex.P-2 is with respect to 03 acres of land and located at a distance of 10 acres only.

9. Keeping in view the aforesaid facts, the Reference Court erred in refusing to rely upon the same. The sale deed produced by the State have rightly been rejected by the Reference Court.

10. In view the aforesaid facts and discussions, the market value of the acquired land is enhanced to Rs. 51,500/- per acre. The land owners shall be entitled to consortium @ 30% and interest @ 9% alongwith statutory benefits.

11. With these observations, RFA-4745-1998 is allowed, whereas,

RFA-3388-1998 is dismissed.
12. All the pending miscellaneous applications, if any, are also

disposed of.

08.01.2025
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(ANIL KSHETARPAL)
JUDGE

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