



In the High Court of Punjab and Haryana, at Chandigarh

**Regular First Appeal No. 3304 of 2005 (O&M)
And Other Connected Cases**

**Reserved On: 10.01.2025
Pronounced On: 27.01.2025**

Haryana State Industrial and Infrastructure Development Corporation
Limited

... Appellant(s)

Versus

Ajmer Singh and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Pritam Singh Saini, Advocate
for the appellant (In RFA-3304-2005) and
for the HSIIDC-respondent (In Other Connected
Cases).

Mr. Abhay Chauhan and Mr. J.K.Chauhan, Advocates
for the appellant(s) (In RFA-2396-2004, RFA-2397-2004,
RFA-2482-2004, RFA-2691-2004, RFA-2692-2004,
RFA-88-2005, RFA-89-2005, RFA-90-2005, RFA-2437-2005
and RFA-2535-2005).

Mr. M.K.Chauhan and Mr. Shoaib Khan, Advocates, for the
respondent-landowners (In RFA-2281-2004, RFA-2282-2004,
RFA-2283-2004, RFA-2284-2004, RFA-2285-2004, RFA-2286-
2004, RFA-2287-2004, RFA-2288-2004, RFA-2289-2004,
RFA-2290-2004, RFA-2343-2004, RFA-2397-2004, RFA-2460-
2004, RFA-2478-2004, RFA-2924-2005 and RFA-2689-2004).

Mr. Shivendra Swaroop, Deputy Advocate General,
Haryana.

Anil Kshetarpal, J.

1. Introduction and Background

1.1 While praying for the modification of the market value of the

RC’), the landowners as well as the State for Haryana have filed this batch of 30 appeals, (the details whereof have been given at the foot of judgment).

1.2 The notification under Section 4 and 6 of the Land Acquisition Act, 1894 (hereinafter referred to as “the 1894 Act”) and the awards passed by the Land Acquisition Collector (hereinafter referred to as “the LAC”) as well as the Reference Court (hereinafter referred to as “the RC”) are common. The learned counsel representing the parties are *ad idem* that this batch of appeals can conveniently be disposed of by a common judgment. In fact, all the reference petitions were consolidated and decided together by the RC.

1.3 The relevant particulars of the acquisition for the purpose of deciding this batch of appeals, in brief, are as under:-

S.No.	Date	Particulars	Details
1.	19.06.1992	Preliminary notification under Section 4 of the 1894 Act was issued for developing Industrial Estate located in the Revenue Estate of Village Alipur, Tehsil Panchkula, District Ambala.	--
2.	17.06.1993	Declaration under Section 6 of the 1894 Act was published with regard to the land measuring 103.17 acres	Area of land – 103.17 acres. Purpose-Development of Industrial Estate.
3.	08.04.1994	Award No. I was announced while offering to pay at the rate of ₹1,60,000/- per acre for <i>Chahi</i> land, ₹1,20,000/- per acre for <i>Barani</i> land and ₹80,000/- per acre for <i>Gair Mumkin</i> land as market value of the acquired land to the landowners alongwith all	Award was announced only for 102.99 acres of land, which was the actual acquired land and 0.18 acres of land was left out, it being wrongly calculated.

S.No.	Date	Particulars	Details
		statutory benefits.	
4.	30.07.2004	The RC assessed the market value at the rate of ₹2,40,000/- per acre for <i>chahi land</i> , ₹1,80,000/- per acre for <i>barani land</i> and ₹1,20,000/- per acre for <i>gair mumkin land</i> alongwith all statutory benefits payable under the 1894 Act.	--

2. Brief facts of the Case

2.1 Dissatisfied with the amount offered for the involuntary acquisition of the land by the LAC, on the applications filed by the landowners, the cases were referred to the RC. The landowners claimed that the acquired land abuts the State Highway connecting traffic of the States of Haryana, Himachal Pradesh and the adjoining abadi of village, residential, commercial and industrial establishments.

2.2 On the other hand, the State of Haryana, while filing the written statement has claimed that the LAC has offered to pay a reasonable, adequate and appropriate market value of the acquired land.

3. Evidence Produced by the Respective Parties

3.1 In the oral evidence, the landowners have examined the following witnesses:-

Sr. No.	Name of the Witness	Particulars of the Witness
1.	PW.1 Sardul Singh	Petitioner
2.	PW.2 Ajaib Singh	Petitioner
3.	PW.3 Ajay Kumar	Registry Clerk, Office of Sub Registrar, Panchkula
4.	PW.4 Kashmir Singh	Assistant Manager, HSIDC
5.	PW.5 Suresh Pal	Landowner of the land adjacent to the acquired land

6.	PW.6 Labh Singh	Petitioner
7.	PW.7 Mirya Deen	Rent Controller
8.	PW.8 Khalil Ahmad	Estate Officer, Punjab Wakf Boad, Ambala.
9.	PW.9 Bata Khan	Resident of village Billa
10.	PW.10 Khalil son of Kalu	Resident of village Billa
11.	PW.11 Ram Niwas	Draftsman

3.2 In the documentary evidence, the landowners produced the following documents, apart from the sale deeds, a tabulated compilation whereof is in Para 4.5 of the judgment:-

Sr. No.	Exhibit Number	Description of the document
1.	Ex.P1	Pass Book
2.	Ex.P2	Rent Receipts
3.	Ex.P3	Rent Receipts
4.	Ex.P4	Rent Receipts
5.	Ex.P5	Rent Receipts
6.	Ex.P6	Rent Receipts
7.	Ex.P7	Copy of Khasra Girdwari
8.	Ex.P8	Copy of sale deed dated 28.05.1993
9.	Ex.P9	Copy of sale deed dated 26.04.1993
10.	Ex.P10	Copy of sale deed dated 01.06.1993
11.	Ex.P11	Copy of sale deed dated 31.05.1993
12.	Ex.P12	Copy of sale deed dated 10.05.1993
13.	Ex.P13	Copy of sale deed dated 08.04.1992
14.	Ex.P14	Copy of sale deed dated 29.08.1991
15.	Ex.P15	Copy of sale deed dated 24.03.1992
16.	Ex.P16	Copy of sale deed dated 28.11.1990
17.	Ex.P17	Site Plan
18.	Ex.P18	Copy of Jamabandi
19.	Ex.P19	Copy of Jamabandi for the year 1991-92
20.	Ex.P20-22	Kabuliat Nama
21.	Ex.P25	Letter dated 03.01.1997 of PWB
22.	Ex.P26	Letter dated 11.03.1997 of PWB
23.	Ex.P27	Letter dated 22.04.1997 of PWB
24.	Ex.P28	Letter dated 28.11.1996 of PWB
25.	Ex.P29	Letter dated 09.04.1996 of PWB
26.	Ex.P30	Copy of Gazette Notification dated 01.01.1990
27.	Ex.P31	Order dated 04.08.1994

Sr. No.	Exhibit Number	Description of the document
28.	Ex.P32	Copy of sale deed dated 30.11.1993
29.	Ex.P33	Site Plan
30.	Ex.P34	Certified copy of award dated 12.12.1996 in LA cases 53 of 1996

3.3 On the other hand, the HSIIDC examined RW.1 Aneeraj Sharma, Accountant, L.A. Office, Panchkula State of Haryana, in the oral evidence, has examined RW.2 Sh.Satish Kumar Taneja.

3.4 In the documentary evidence, the HSIIDC has produced the following documentary evience:-

Sr. No.	Exhibit Number	Description of the document
1.	Ex.R1	Copy of sale deed dated 19.10.1993
2.	Ex.R2	Copy of sale deed dated 13.09.1994

4. Analysis of the Reasons Recorded by the RC

4.1 From the pleadings of the parties, the RC culled out the following issues for adjudication:-

- “1) What was the market value of the suit land at the time of acquisition? OPP
- 2) To how much amount, the petitioners are entitled as compensation? OPP
- 3) Relief.”

4.2 The Reference Court has discarded the sale deeds Ex.P34 (with respect to parcel of land located in village Ramgarh), Ex.P16 (with respect to parcel of land located in village Barwala), Ex.P8, Ex.P9, Ex.P10, Ex.P11 and Ex.P32 (with respect to parcel of land located in village Billa). Subsequently, the market value of the acquired land was assessed while calculating the average of as many as six sale deeds Ex.P12, Ex.P13,

Ex.P14, Ex.P15, Ex.R1 and Ex.R2 @ ₹2,48,000/- per acre.

5. Discussion and Analysis of the arguments advanced by the learned counsel representing the parties.

5.1 Heard the learned counsel representing the parties at length and with their able assistance perused the paper-book. Learned senior counsel representing the landowners has filed the written submission apart from the oral submissions.

5.2 At this stage, it will be appropriate to compile a list of sale deeds relied upon by the respective parties.

Sr. No.	Exhibit No.	Dated	Area	Amount of Sale Consideration (In ₹)	Name of Village	Rate Per acre (In ₹)
1.	P13	08.04.1992	4K-5M	1,95,000	Alipur	3,67,059
2.	P14	29.08.1991	5K-11M	1,80,125	Alipur	2,59,640
3.	P15	24.03.1992	8K	1,95,000	Alipur	1,95,000
4.	P16	28.11.1990	4K	3,00,000	Barwala	6,00,000
5.	P12	10.05.1993	1K-1M	45,000	Alipur	3,42,857
6.	P8	28.05.1993	0-8M	60,000	Billa	12,00,000
7.	P9	26.04.1993	2K-19M	3,10,000	Billa	8,40,678
8.	P10	01.06.1993	1K-5M	1,90,000	Billa	12,16,000
9.	P11	31.05.1993	1K-5M	1,90,000	Billa	12,16,000
10.	P32	30.11.1993	6M	45,000	Billa	12,16,000
11.	R1	19.10.1993	4K-13M	70,000	Alipur	1,20,480
12.	R2	15.09.1994	7K-12M	1,50,000	Alipur	1,57,920

5.3 On perusal of the lower Court’s record, it can be noticed that the land owners produced a copy of layout plan of the area showing the location of the land while identifying the location of the land represented by the various sale deeds. Though this sketch is not on a scale but distance between the acquired land and the parcels of land represented by the various

been specified as 60 meters. The acquired land is located in between the State Highway and the residential portion of village Alipur which is located on a road which goes to Sabilpur. Thus, the acquired land was abutting two roads; one leading to Sabilpur and abadi of Alipur, whereas the second on the State Highway. Though village Barwala is at some distance, however, the development in the area is evident. It has also been shown that there is a ITBP Training Centre in the area.

5.4 The sale instances Ex.P13, Ex.P14 and Ex.P15 are at a distance of 60 meters. When the Draftsman who prepared the sketch appeared in evidence, this fact was not disputed. The State of Haryana has not led any evidence to prove that the distance is not 60 meters but more. The sale instance Ex.P13 was executed 2 months and 11 days before the date of notification under Section 4 of the 1894 Act. Thus, this is the appropriate sale instance which can be relied upon. The sale instance Ex.P11 is approximately 10 months before the date of notification, whereas Ex.P15 is just one month before the date of notification under Section 4 of the 1894 Act. In the absence of evidence to the contrary proving that the sale instance is either not reflecting the correct market value or the location or the value of the land sold is different, the Court is expected to rely upon the sale instance reflecting the highest price because the property is being taken away due to involuntary acquisition. Hence, the sale instance Ex.P13 is considered appropriate. The argument of the learned counsel representing the landowners that the Court should rely upon the sale instance Ex. P14 lacks substance because the village Barwala is at a distance and in between

Barwala.

5.5 It would be noted here that the acquisition is for developing the Industrial Estate at Barwala. Hence, Barwala is a major village in the area. However, that would not be sufficient to rely upon the sale deed of village Barwala. It is evident that there were a lot of residential and commercial activities in the area apart from the utilization of the land for agriculture purpose.

5.6 Keeping in view the aforesaid discussion, it can be concluded that the RC has erred in calculating the market value of the acquired land by taking average of the sale instances Ex. P12, Ex.P13 to Ex.P15, Ex.R1 and Ex.R2.

6. **Decision**

6.1 Consequently, the appeals filed by the landowners are allowed and those filed by the HSIIDC are dismissed. The landowners are held entitled to the market value of the acquired land @ ₹3,70,000/- per acre along with all the statutory benefits as per the amended 1894 Act, which now has been repealed.

6.2 The miscellaneous application(s) pending, if any, in all the appeals shall stand disposed of.

(Anil Kshetarpal)
Judge

January 27, 2025
“DK”

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

Sr. No.	Case No.	Party’s Name
1.	RFA-2278-2004	Avtar Singh Vs. State Of Haryana
2.	RFA-2281-2004	Surjit Kaur Vs. State Of Haryana

Sr. No.	Case No.	Party’s Name
3.	RFA-2282-2004	Gram Panchayat Vs. State Of Haryana
4.	RFA-2283-2004	Ajmer Singh Vs. State Of Haryana
5.	RFA-2284-2004	Maghar Singh Vs. State Of Haryana
6.	RFA-2285-2004	Harpal Singh Vs. State Of Haryana
7.	RFA-2286-2004	Ajit Singh Vs. State Of Haryana
8.	RFA-2287-2004	Harpal Singh Vs. State Of Haryana
9.	RFA-2288-2004	Labh Singh Vs. State Of Haryana
10.	RFA-2289-2004	Sant Ram Vs. State Of Haryana
11.	RFA-2290-2004	Ajaib Singh Vs. State Of Haryana
12.	RFA-2396-2004	Kishori Lal Vs. State Of Haryana
13.	RFA-2460-2004	Goran Devi Vs. State Of Haryana & Others
14.	RFA-2478-2004	Surta Singh And Others Vs. State Of Haryana
15.	RFA-2482-2004	Rati Ram Vs. State Of Haryana
16.	RFA-2689-2004	Dharam Pal And Others Vs. State Of Haryana
17.	RFA-2691-2004	Jarnail Singh Vs. State Of Haryana
18.	RFA-2692-2004	Sowaran Singh And Others Vs. State Of Haryana
19.	RFA-56-2005	Vivek Mittal Vs. State Of Haryana
20.	RFA-88-2005	Buta Singh And Others Vs. State Of Haryana
21.	RFA-89-2005	Amar Singh And Others Vs. State Of Haryana
22.	RFA-90-2005	Ajaib Singh And Others Vs. State Of Haryana
23.	RFA-2437-2005	Krishan And Others Vs. State Of Haryana
24.	RFA-2924-2005	Balwinder Singh & Others Vs. State Of Haryana & Others
25.	RFA-3303-2005	H S I D C Ltd. Vs. Balwinder Singh And Others
26.	RFA-3037-2006	Haryana. State Industrial Dev. Corp. Ltd. Vs. Rattan Singh Etc.
27.	RFA-3501-2006	Ram Kumar And Others Vs. State Of Haryana.
28.	RFA-3502-2006	Ram Kumar And Others Vs. State Of Haryana.
29.	RFA-3302-2005	Haryana State Ind. Dev. Corp. Ltd. Vs. Jarnail Singh And Another

January 27, 2025
“DK”

(Anil Kshetarpal)
Judge