



311 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 18.01.2025

1.

RFA-2814-2007(O&M)

Om Parkash and others

...Appellants

Vs.

State of Haryana and another

...Respondents

2.

RFA-2815-2007(O&M)

Ishwar and others

...Appellants

Vs.

State of Haryana and another

...Respondents

3.

RFA-2816-2007(O&M)

Mahipal and another

...Appellants

Vs.

State of Haryana and another

...Respondents

4.

RFA-2817-2007(O&M)

Dharampal

...Appellant

Vs.

State of Haryana and another

...Respondents

5.

RFA-2818-2007(O&M)

Attar Singh and others

...Appellants

Vs.

State of Haryana and others

...Respondents



6. RFA-2819-2007(O&M)
Kuldeep ...Appellant

Vs.

State of Haryana and another ...Respondents

7. RFA-2820-2007(O&M)
Bhikhu Ram ...Appellant

Vs.

State of Haryana and another ...Respondents

8. RFA-358-2009(O&M)
Mahender Kumar and others ...Appellants

Vs.

State of Haryana and another ...Respondents
9. RFA-3121-2008 (O&M)
Satbir ...Appellant

Vs.

State of Haryana and others ...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Anil Ghanghas, Advocate (through v.c)
Mr. Abhishek Patel, Advocate
for the appellants in RFA-2814-2007 to
RFA-2820-2007.

Mr. Sushil Saini, Advocate for
Mr. R.A. Sheoran, Advocate
for the appellants in RFA-358-2009.

Mr. Sudhanshu Makkar, Advocate
for the appellants in RFA-3121-2008.

Ms. Safia Gupta, AAG, Haryana.



ANIL KSHETARPAL, J. (Oral)

1. With the consent of learned counsel representing the parties, 09 connected regular first appeals filed to challenge a common award passed by the Reference Court shall stand disposed of by this common order.

2. In all these appeals, the land-owners pray for modification in the market value assessed by the Land Acquisition Collector, which was affirmed by the Reference Court.

3. The crucial date for assessment of market value of the acquired land is 16.10.2000, the date of notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act'). Ultimately, the Award No. 13-B was passed on 09.11.2001 assessing the market value of the acquired land in the following manner:-

1. @ Rs. 75,000/- per acre for nehri land
2. @ Rs. 65,000/- per acre for taal land.
3. @ Rs. 60,000/- per acre for tibba land.

4. Dis-satisfied, the land-owners sought reference under Section 18 of the Land Acquisition Act, 1894, which was referred to the Court. The land-owners claimed that the market value of the acquired land was not less than Rs.2,50,000/- per acre for nehri land, Rs. 2,00,000/- per acre for taal land, Rs. 1,50,000/- per acre for tibba land.

5. In order to understand the difference between the different qualities of land, learned counsel representing the land-owners have explained that nehri land means the land which has irrigation facility from canals and



drains, whereas, taal is a plain land and tibba land comprises of mounts of sand. This is near the State of Rajasthan and some parcels of land has layers of sand over it. In order to prove their case, the land-owners examined PW/1-Ajit, PW/2-Ranbir, PW/3-Bhikhu Ram, PW/4-Satbir Singh.

6. *Per contra*, State of Haryana examined RW/1-Ramphal Singh Punia, SDO Siwani Water Services Division Siwani and RW/2-Jagshish Singh, Halqa Patwari, Isharwal. The acquired land is located in Village Isharwal. The land-owners have also produced two sale deeds Ex. P1 and P4. Ex. P1 was executed on 12.09.2004 with respect to 06 kanals 05 marls of nehri land for a sum of Rs.1,50,000/- while per acre price comes to Rs,1,92,000/- relying upon the sale deed. Perusal of the sale deed proves that the possession was given to the purchaser/vendee out of land comprised in rectangle No. 83. The term rectangle denotes a square parcel of land measuring 25 acres. The land-owners have also relied upon sale deed Ex.P4 dated 01.09.1998 with respect to land measuring 04 kanals 01 marla for Rs. 44,000/-. The quality of land is tibba and taal. Price per acre comes to Rs. 87,000/- as per the aforesaid sale deed.

7. *Per contra*, learned State counsel has relied upon the sale deed Ex. R1 executed on 04.06.2001 with respect to land measuring 07 kanals 01 marla of tibba land @ Rs. 53,000/-. Price per acre comes to Rs. 60,571/- as per this sale deed.

8. This Court has perused the lower Court record. A lay out plan has been produced by the State as Ex. R2. The Award 13-B dated 09.11.2001 has also been produced. Perusal of the award proves that the acquisition was made out of land comprised in rectangle Nos. 116, 117, 118, 120, 121, 145, 149 150,



172, 173. Perusal of lay out plan shows that the acquired land for construction of drain is in L shape. The location of parcel of land sold through Ex. P1 is at a substantial distance from the acquired land. There is no evidence to prove that the parcel of land represented by sale instance Ex. P1 was comparable with the acquired land. The sale instance Ex. P1 is also with respect to nehri land. Ex. P4 is the next sale instance relied by the owners. It is not possible to locate the land which has been sold vide sale deed Ex. P1 because no rectangle number has been disclosed.

9. On the other hand, sale instance Ex. R1 is located in rectangle No. 87 which when compared with rectangle No. 83 is much closer to the acquired land. Per acre price of parcel of land sold through sale deed Ex. R1, which is post the date of notification under Section 4 of the Act comes to Rs. 60,571/- for tibba land. The land Acquisition Collector has awarded Rs. 60,000/- per acre for tibba land. The sale instance Ex. R1 is also located at some distance, however, much closer to the parcel of land represented by Ex. P1.

10. Keeping in view the aforesaid discussion, no ground to interfere with the award passed by the Reference Court. Hence, all the 09 appeals are dismissed.

11 All the pending miscellaneous applications, if any, are also disposed of.

18.01.2025
neeraj

(ANIL KSHETARPAL)
JUDGE

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