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2025:PHHC:003663



310 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
 AT CHANDIGARH

Date of decision : 13.01.2025

1.

RFA-4639-2006 (O&M)

Sham Ram

...Appellant

Vs.

The State of Haryana and another

...Respondents

2.

RFA-4640-2006 (O&M)

Milkh Raj and others

...Appellants

Vs.

The State of Haryana and another

...Respondents

3.

RFA-4641-2006 (O&M)

Om Parkash and another

...Appellants

Vs.

The State of Haryana and another

...Respondents

4.

RFA-4642-2006 (O&M)

Jitender Kumar and others

...Appellants

Vs.

The State of Haryana and another

...Respondents

5.

RFA-4698-2006 (O&M)

Ved Parkash and another

...Appellants

Vs.

The State of Haryana and another

...Respondents

**RFA-4639-2006 (O&M) and
other connected cases**

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6.

RFA-4699-2006 (O&M)

Ved Parkash

...Appellant

Vs.

The State of Haryana and another

...Respondents
7.

RFA-4700-2006 (O&M)

Vinod Kumar and others

...Appellants

Vs.

The State of Haryana and another

...Respondents
8.

RFA-4701-2006 (O&M)

Ajaib Kumar and others

...Appellants

Vs.

The State of Haryana and another

...Respondents
9.

RFA-4702-2006 (O&M)

Rohtash and others

...Appellants

Vs.

The State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. P.S. Jammu, Advocate
 Mr. R.P.S. Jammu, Advocate
 for the appellant(s)in RFA Nos. 4639, 4640, 4641 & 4642 of
 2006.

 Mr. Rakesh Nagpal, Advocate
 for the appellants in RFA Nos. 4698, 4699, 4700, 2701 & 4702
 of 2006.

 Mr. Shivendra Swaroop, DAG, Haryana.



ANIL KSHETARPAL, J. (Oral)

1. A bunch of 09 connected appeals shall stand disposed of by this common order.
2. All these 09 appeals have been filed by the land owners who stood deprived on account of acquisition of their respective parcels of land by the State of Haryana for construction of drain located in Village Madhosinghana, Tehsil & District Sirsa. The details of the acquisition are as under:-

Notification under Section 4 of the Land Acquisition Act, 1894	Award passed by the Land Acquisition Collector	Market value of the land was assessed			
		for Nehri land	for Chahi land	for barani land	for gair mumkin land
29.08.2000	28.03.2002	Rs. 1,50,000/- per acre	Rs.1,20,000/- per acre	Rs. 70,000/- per acre	Rs. 3,00,000/- per acre

3. The Reference Court has assessed the market value of the acquired land @ Rs. 2,50,000/- while relying upon the Land Acquisition Collector’s Award passed in respect of the land acquired for Darba Ghaggar Drain. The State of Haryana has not filed any cross appeal and accepted the market value assessed by the Reference Court.
4. Learned counsel representing the parties have been heard at length.
5. Learned counsel representing the appellant-land owners have made the following two submissions.
1. The sale deed Ex.PW5/B has incorrectly been ignored by the Court.
2. Subsequently, the drain was extended and notification under



Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act') for acquisition of additional area was issued on 28.04.2005 and the market value was assessed @ Rs. 8,00,000/- per acre.

6. On perusal of finding recorded in para 12 of the Award passed by the Reference Court, it becomes evident that the sale instance Ex. PW-5/B is only with respect to 12 marlas land, which was sold @ Rs.4,80,000/- per acre. The sale deed was executed on 22.12.1999.

7. However, the land owners have not produced any evidence to prove that the parcel of land represented by sale instance Ex. PW-5/B is with respect to comparable parcel of land to the acquired land. Ordinarily, 12 marlas plot is not sold or used for agricultural purpose. It can only be either for residential or for commercial purpose. Moreover, there is no evidence that the parcel of land represented by Ex.PW5/B was located in close proximity to the acquired land.

8. Hence, there is no error on the part of the Reference Court to refuse to rely upon the sale instance Ex. PW5/B.

9. The second argument of learned counsel also lacks substance because the Award of the Reference Court with respect to acquisition of land, 5 years post the date of notification under Section 4 of the Act cannot be relied upon. The market value of the acquired land is required to be assessed on the date of notification under Section 4 of the Act, which in this case is on 29.08.2000.



10. Learned counsel representing the appellants did not press any other argument. Hence, all the 09 appeals are dismissed.
11. All the pending miscellaneous applications, if any, are also disposed of.

	(ANIL KSHETARPAL)	
	JUDGE	
13.01.2025		
neeraj	Whether speaking/reasoned :	Yes No
	Whether Reportable :	Yes No