



**RFA-405-2009 (O&M)
and other connected cases**

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

**RFA-405-2009 (O&M)
and other connected cases
Date of decision: 03.05.2025**

Kuldeep Singh

Versus

State of Haryana and another

..Appellant

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kulbhushan Sharma, Advocate
 for the appellant in RFA-405 and 406 of 2009

 Ms. Vibha Tewari, AAG, Haryana

ANIL KSHETARPAL, J.

1.

With the consent of the learned counsel representing the parties, a batch of 8 connected Regular First Appeals (details whereof are at the foot of the judgment) shall stand disposed of by this common order.
2.

The relevant details of the acquisition are as under:-

22.02.2002	Notification under Section 4 read with Section 17(2) of the Land Acquisition Act, 1894
02.05.2002	Declaration under Section 6 was published
06.05.2003	Land Acquisition Collector vide award no.3F offered to pay Rs.3,00,000/- per acre as the market value of the land measuring 75 kanals 14 marlas acquired for establishing Hot Mix plant, its approach road and maintenance of green belt
08.11.2008	Reference Court assessed the market value of the acquired land at the rate of Rs.214/- per sq. yard which is equivalent to Rs.10,35,760/- per acre

3.

The landowners claim that the acquired land is surrounded by the following villages:-



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- Towards East - Village Sikrona
- Towards West- Village Jakhopur,
- Towards North - Village Fatehpur Tagga
- Towards South - village Ladhiapur.

Village Ladhiapur is located close to Mahendergarh Sohana Road and is at a distance of 2-3 kms from Sector 58, Faridabad; whereas the acquired land is at the distance of 3-4 kms from Sector 55 established in Village Gaunchhi. Hence, the market value of the acquired land was not less than Rs.5000/- per sq. yards.

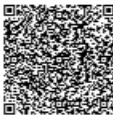
4. The State and the Municipal Corporation claim that the Land Acquisition Collector (hereinafter referred to as ‘LAC’) has assessed fair, adequate and reasonable compensation, which does not require any modification.

5. In oral evidence, the landowners examined the following witnesses:-

PW1	Nepal Singh
PW2	Khem Chand
PW3	Ami Chand
PW4	Badri Parasad
PW5	Raja Ram, Junior Draftsman
PW6	Sat Parkash Mittal

6. On the other hand, RW1 Jawahar Lal, an official from the office of the District Revenue Official was examined by the State apart from examining RW2 Raj Kishan Chaudhary.

7. The landowners produced the following documents:-



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Ex.P1	Sale deed dated 6.7.2000, whereby 150 sq. yards of land situated in village Ferozepur Kalan was sold for Rs.45,000/- i.e at the rate of Rs.300/- per sq. yard																																			
Ex.P2	Price index																																			
Ex.P3 to Ex.P12	Collector rates of different villages in District Faridabad For village Ferozepur Kalan, said rates are as under:- <table><tr><td>Exhibit</td><td>Year</td><td>Collector Rate (in Rs.per acre)</td></tr><tr><td>P3</td><td>1992-93</td><td>35,000/-</td></tr><tr><td>P4</td><td>1993-94</td><td>50,000/-</td></tr><tr><td>P5</td><td>1994-95</td><td>55,000/-</td></tr><tr><td>P6</td><td>1995-96</td><td>80,000/-</td></tr><tr><td>P7</td><td>1996-97</td><td>1,50,000/-</td></tr><tr><td>P8</td><td>1997-98</td><td>1,70,000/-</td></tr><tr><td>P9</td><td>1998-99</td><td>2,00,000/-</td></tr><tr><td>P10</td><td>1999-2000</td><td>2,00,000/</td></tr><tr><td>P11</td><td>2000-01</td><td>2,20,000/-</td></tr><tr><td>P12</td><td>2001-02</td><td>3,00,000/-</td></tr></table>			Exhibit	Year	Collector Rate (in Rs.per acre)	P3	1992-93	35,000/-	P4	1993-94	50,000/-	P5	1994-95	55,000/-	P6	1995-96	80,000/-	P7	1996-97	1,50,000/-	P8	1997-98	1,70,000/-	P9	1998-99	2,00,000/-	P10	1999-2000	2,00,000/	P11	2000-01	2,20,000/-	P12	2001-02	3,00,000/-
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Ex.P13	Development plan of controlled, Faridabad																																			
Ex.P14	Site plan of the acquired land and the land in the surroundings																																			
Ex.P15	Judgment dated 13.2.2001 of Hon’ble High Court in RFA No.1985 of 1996 titled ‘Satbir vs. State’ whereby land of village Jharsaintli and Ballabgarh acquired vide notification under sec. 4 of the Act on 26.12.1988 was assessed at Rs.165/- per sq. yards																																			
Ex.P16	Award dated 7.5.2001 by the court of Ld. Addl. District Judge, Faridabad in LAC case no.87 of 2000 titled ‘ Kishan versus State’ whereby land of village Jharsaintli notified under Section 4 of the Act, on 10.7.1996 was assessed at Rs.425/- per sq. yard.																																			

8. On the other hand, State produced Ex.R1, sale deed with respect to 18 kanals land located in Village Ferozepur Kalan for Rs.4,95,000/- executed on 26.04.2001. The per acre price came to be Rs.2,20,000/-. Thereafter, the RC found that the sale deed produced by the landowners with respect to 150 sq. yard land sold for Rs.45,000/- executed on 06.07.2001 Ex.P1 is the relevant piece of evidence.



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9. Keeping in view the fact that the sale instance of a small plot measuring 150 sq. yards was produced, the RC deducted 1/3rd on the base price and thereafter, granted an increase at the rate of 12% for a period of nearly 7 months in order to workout the market price at the rate of Rs.214/- per sq. yards.

10. Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

11. Mr. K.B.Sharma, learned counsel representing the landowners submits that in adjoining village namely Jharsaintli, the court assessed the market value at the rate of Rs.425/- per sq. yards as on 10.07.1995. He submits that the market value of the acquired land is required to be assessed by granting 12% increase on the base value of Rs.425/- per sq. yard. He further submits that in the vicinity of the acquired land the colonizers had started purchasing the land in order to develop the area into residential-cum-commercial complexes. Hence, the land had great potential for being utilized for commercial and residential purposes.

12. Per contra, the learned counsel representing the respondent-State submits that village Jharsaintli is located at a distance of 3-4 kms from the acquired land as held by the RC. She further submits that the RC has erred in applying deduction of 1/3rd whereas it should be atleast 50%.

13. This Court has considered the submissions made by the learned counsel representing the parties.

14. Ex.P14 is a layout plan of the acquired land and its surrounding areas. Village Jharsaintli is located near Delhi Mathura Road. Sector 58 has



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been carved out in the aforesaid village. It is located on the extreme eastern side of the layout plan whereas the acquired land is on the extreme western side of the layout plan. Residential area of Village Ferozepur Kalan is located towards south east of the acquired land. Towards eastern side of Village Faridkot, village Sikrona is situated. Then there is village Samaypur which fall towards east of Sikrona and then village Jharsaintli is located towards further eastern side. Moreover, it is the case of the claimants that village Faridkot is surrounded towards east by village Sikrona and not by village Jharsaintli.

15. The landowners have produced only one sale deed I.e. Ex.P1 which is with respect to a plot located close to the acquired land. However, this plot is only with respect to 150 sq. yards whereas the land measuring more than 9 acres have been acquired. An ordinary acre comprises of an area of 4840 sq. yards whereas, Ex.P1 is with respect to only 150 sq. yards. Hence, the RC has correctly applied 1/3rd cut.

16. From the layout plan, it is also evident that city of Ballabhgarh is located towards east whereas the present acquired land is located further towards west. The acquired land is also not located on the main road. It has been acquired for establishing Hot Mix plant which generates a lot of pollution. Hence, it is established out of the city.

17. Keeping in view the aforesaid discussion, no ground to differ with the assessment made by the RC is made out. Consequently, the appeals filed by the Municipal Corporation as well as the landowners are dismissed.



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

**(ANIL KSHETARPAL)
JUDGE**

03.05.2025
rekha

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*

Sr. No.	Case No.	Appellant(s)	Respondent(s)
1.	RFA-405-2009	KULDEEP SINGH	STATE OF HARYANA & ORS
2.	RFA-2191-2009	MUNICIPAL CORP. OF DELHI	ZILE RAM AND ORS.
3.	RFA-406-2009	SANTOSH KUMARI (NOW DECEASED) THROUGH HER LRS	STATE OF HARYANA & ORS.
4.	RFA-2192-2009	MUNICIPAL CORP. OF DELHI	TEK CHAND AND ORS.
5.	RFA-2193-2009	MUNICIPAL CORP. OF DELHI	LALA RAM AND ANR.
6.	RFA-2194-2009	MUNICIPAL CORP. OF DELHI	BABU RAM AND ORS.
7.	RFA-2195-2009	MUNICIPAL CORP. OF DELHI	KULDEEP SINGH AND ANR.
8.	RFA-2196-2009	MUNICIPAL CORP. OF DELHI	SANTOSH KUMARI AND ANR.

**(ANIL KSHETARPAL)
JUDGE**

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