

In the High Court of Punjab and Haryana, at Chandigarh

Regular First Appeal No. 4566 of 2009 (O&M)
And Other Connected Cases

Reserved On: 16.01.2025
Pronounced On: 05.04.2025

Suraj Kaur and Others

... Appellant(s)

Versus

State of Haryana and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. R.A.Sheoran, Advocate
for the appellant(s).

Mr. Pravindra Singh Chauhan, Senior Advocate
with Mr. P.S.Saini, Advocate, for the
Market Committee.

Ms. Safia Gupta, Assistant Advocate General, Haryana.

Anil Kshetarpal, J.

I. Preface

1. With the consent of the learned counsel representing the parties,
14 connected regular first appeals, details whereof are given at the foot of
the judgment, shall stand disposed by this common order.
2. The pivotal issue is to assess the market value of the acquired
land. The necessary and relevant details of the acquisition are as under:-

S.No.	Date	Particulars
1.	18.09.2002	Notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as “the 1894 Act”) was published proposing to acquire the land for extension of New Grain and Vegetable Market, Charkhi Dadri.
2.	13.07.2003	Declaration under Section 6 of the 1894 Act was published.

S.No.	Date	Particulars
3.	13.02.2004	The Land Acquisition Collector (hereinafter referred to as “LAC” offered to pay to the landowners @ ₹2,00,000/- per acre while acquiring the land measuring 101 kanals 6 marlas comprised in rectangle No. 171//11, 12/1, 12/2, 19/1, 19/2, 20, 21 & 22, 184//1, 2 and 185//2/1, 2/2, 3, 4/1, 4/2 & 5.
4.	22.04.2009/ 22.08.2009	The Reference Court (hereinafter referred to as “RC”) has assessed the market value of the acquired land @ ₹6,00,000/- per acre.

II. Brief Facts

3.

The landowners claim that the market value of the acquired land was not less than ₹5,000/- per square yard as the acquired property was located within the municipal limits of Charkhi Dadri which was disputed by the Market Committee, Charkhi Dadri.
4.

The landowners, in order to prove their case, examined the following witnesses:-

Sr. No.	Witness Number	Name of the Witness
1.	PW.1	Man Singh
2.	PW.2	Smt. Suraj Kaur
3.	PW.3	Dariya Singh
4.	PW.4	Ram Chander
5.	PW.5	Jagdish Chander, Junior Engineer, Office of the District Town Planning Office, Bhiwani
6.	PW.6	Mukhtiar Singh, Kanungo, D.C. Office, Bhiwani
7.	PW.7	Jagdish Chander, Junior Engineer, PWD (B&R), Provincial Sub Division, Charkhi Dadri
8.	PW.8	Satyawan Singh, HRC, D.C.Office, Bhiwani
9.	PW.9	Mukesh Kumar, Clerk, J.E. Branch, Municipal Committee, Charkhi Dadri
10.	PW.10	Vijay Kumar Jain, Draftsman
11.	PW.11	Sajjan Singh, Patwari
12.	PW.12	Sanjay

5. On the other hand, the Market Committee, Charkhi Dadri, has examined RW.1 Prem Chand Sharma, Executive Officer-cum-Secretary.
6. The landowners have relied upon the following various other documents except the sale deeds:-

Sr. No.	Exhibit Number	Description of the document
1.	Ex.PW.5/A	Print of Drawing of Delimitation of Urban Area of Charkhi Dadri
2.	Ex.PW.6/A	Copy of Award dated 30.09.999
3.	Ex.PW.6/B	Copy of Collector’s Rate
4.	Ex.PW.6/C	Copy of Award No.1 dated 13.02.2004
5.	Ex.PW.7/A	Copy of Map
6.	Ex.PW.8/A	Copy of Collector rate of District Bhiwani for the year 1998-99
7.	Ex.PW.8/B	Copy of Collector rate of District Bhiwani for the year 1999-2000
8.	Ex.PW.8/C	Copy of Collector rate of District Bhiwani for the year 2000-2001
9.	Ex.PW.8/D	Copy of Collector rate of District Bhiwani for the year 2001-2002
10.	Ex.PW.8/E	Copy of Collector rate of District Bhiwani for the year 2001-2002
11.	Ex.PW.8/F	Copy of Collector rate of District Bhiwani for the year 2002-2003
12.	Ex.PW.9/A	Copy of Map of Municipal Area, Charkhi Dadri
13.	Ex.PW.10/A	Copy of Map
14.	Ex.P17	Copy of Collector Rate of Charkhi Dadri for the year 2004-2005

III. Arguments Put Forth

7. Heard the learned counsel representing the parties, at length and with their able assistance, perused the paper-book along with the requisitioned record.
8. The learned counsel representing the appellants contend that the RC has failed to assess the correct market value of the acquired land. They submitted that the landowners produced as many as 16 sale deeds which prove that the market value of the acquired land was not less than ₹10,00,000/- per acre.

9. Per contra, the learned State counsel submits that the RC has erred in assessing the market value @ ₹6,00,000/- per acre. He submits that except the sale deeds No. 4509 dated 21.03.2002, 1672 dated 10.08.2001 and 1357 dated 18.07.2001 (Ex.P13 to Ex.P15) all the other sale deeds are post 18.09.2002. He further submits that the sale instance No. 4509 dated 21.03.2002, 1672 dated 10.08.2001 (Ex.P13 and Ex.P14) are with respect to smaller parcels of the land located far away from the acquired land which are not comparable with the acquired land.

IV. Analysis and Discussion

10. At this stage, it is considered necessary to reproduce a tabulated compilation of the sale deeds produced by the landowners:-

Sr. No.	Exhibit No.	Sale Deed No.& Date	Sale Consideration/ Price per acre (In ₹)	Area sold (In Sq. Yards)	Location & Type of Land
1.	P1	4760/19.02.2025	4,05,000/- 16,94,21.31	1157.06	Charkhi Dadri
2.	P2	2994/18.10.2003	10,000/- 96,80,00,000/-	20	Charkhi Dadri
3.	P3	2323/26.08.2003	2,36,000/- 6,51,034.58	1754.5	Charkhi Dadri
4.	P4	1978/04.08.2003	22,49,000/- 16,95,331.07	710.87	Charkhi Dadri
5.	P5	1028/24.06.2003	1,75,000/- 12,17,3391.30	695.75	Charkhi Dadri
6.	P6	1247/01.07.2003	1,50,000/- 11,99,999.99	605	Charkhi Dadri
7.	P7	2891/03.10.2003	1,50,000/- 11,99,999.99	605	Charkhi Dadri
8.	P8	3341/03.11.2003	2,52,000/- 6,50,322.5	1875.5	Charkhi Dadri
9.	P9	3212/23.10.2003	1,58,500/- 8,74,482.75	877.25	Charkhi Dadri
10.	P10	3048/13.10.2003	15,64,500/- 6,50,181.81	11646.25	Charkhi Dadri
11.	P11	2302/23.12.2002	1,92,500/- 7,51,219.51	1240.25	Charkhi Dadri
12.	P12	4554/22.03.2002	1,35,000/- 5,99,999.99	1089	Charkhi Dadri
13.	P13	4509/21.03.2002	2,31,500/- 21,78,823.52	514.25	Charkhi Dadri

Sr. No.	Exhibit No.	Sale Deed No.& Date	Sale Consideration/ Price per acre (In ₹)	Area sold (In Sq. Yards)	Location & Type of Land
14.	P14	1672/10.08.2001	1,50,000/- 5,92,595.01	1225.12	Charkhi Dadri
15.	P15	1357/18.07.2001	1,24,000/- 6,01,212.12	998.25	Charkhi Dadri
16.	P16	2070/08.08.2003	34,000/- 7,77,142.85	211.75	Charkhi Dadri

11. This Court has considered the submissions and analyzed the arguments advanced by the learned counsel representing the parties.

12. As already noticed, the acquisition is for the purpose of extension of New Grain and Vegetable Market. Originally, the land for establishing New Grain and Vegetable Market was proposed to be acquired vide notification dated 08.06.1998 with respect to the land measuring 26 acres 4 kanals and 36 marlas of the adjoining land. The LAC pronounced the award on 30.09.1999 offering to pay to the landowners @ ₹4,00,000/- per acre. A copy of the award is Ex.PW.6/A. In this acquisition, the land was acquired out of rectangle No. 147, 148, 169 and 170 and khasra Nos. 1677 & 1683. In terms of the agricultural land, a rectangle is equivalent to 25 acres of land. Each ordinary acre is 4840 square yards. In the aforesaid acquisition, the land measuring 26½ acres of land was acquired, whereas now the adjoining land measuring 12½ acres approximately has been acquired. Previously, the land comprised in rectangle No. 170 was acquired. Now the land out of rectangles No. 171, 184 and 185 has been acquired. A bare look at the layout plan produced on the file as Ex.PW.10/A proved that the land in L-shape has been acquired which is located on junction between Dadri- Mahindergarh and Dadri-Kanina road. Once in the year 1998, the adjoining land was acquired for developing New Grain and

Vegetable Market, the price of the land located in the vicinity was likely to steeply rise. However, there is no evidence to support the aforesaid facts. Sale deed No. 2994 dated 08.10.2003 (Ex.P2) is only with respect to the plot measuring 20 square yards which appears to have been sold for constructing a shop. This sale deed is out of the land comprised in rectangle No. 188, however, this sale instance is executed post 18.09.2002. In absence of any material to show that the sale instances of a comparable parcels of the land located nearby, the RC has erred in relying upon the sale instances No. 2302 dated 23.12.2002. The sale deed No. 2302 dated 23.12.2002 (Ex.P11) is with respect to the land comprised in khasra No. 634 whereas the sale deed No. 4554 dated 22.03.2002 (Ex.12) is with respect to the land comprised in khasra No. 1403, whereas the sale deed No. 4554 dated 22.03.2002 (Ex.P12) is with respect to the land comprised in khasra No. 1403. There is no evidence to prove the location of these khasra numbers.

13. However, the RC has correctly held that as per award (Ex.PW.6/B) passed by the LAC, the market value of the acquired land has been assessed @ ₹4,00,000/- per acre as on 08.06.1998. Hence, the landowners are entitled to ₹6,00,000/- per acre by granting 12% per annum increase from 08.06.1998 to 18.09.2002. The increase @ 12% per annum is not excessive particularly when in the adjoining plot New Grain and Vegetable Market was planned to be developed. The present acquisition is for its extension.

V. Decision

14. Keeping in view the aforesaid discussion, there is no ground to reduce or enhance or in other words, modify the amount of market value of

the acquired land assessed by the RC. Consequently, all the appeals are dismissed.

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

(Anil Kshetarpal)
Judge

April 05, 2025
“DK”

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

Sr. No.	Case No.	Party’s Name
1.	RFA-4567-2009	Hari Kishan And Others Vs. State Of Haryana And Others
2.	RFA-4568-2009	Geeta And Ors. Vs. State Of Haryana And Others
3.	RFA-5117-2009	Market Committee Charkhi Dadri Vs. Man Singh And Another
4.	RFA-5118-2009	Market Committee Charkhi Dadri Vs. Hari Krishan And Others
5.	RFA-5119-2009	Market Committee Charkhi Dadri Vs. Sushila @ Silwanti And Others
6.	RFA-5120-2009	Market Committee Charkhi Dadri Vs. Ram Kishan And Another.
7.	RFA-5121-2009	Market Committee Charkhi Dadri Vs. Lachmmi Narain And Others
8.	RFA-5122-2009	Market Committee Charkhi Dadri Vs. Suraj Kaur And Another
9.	RFA-5460-2009	Market Committee Charkhi Dadri Vs. Asha Rani And Others
10.	RFA-5578-2009	Lachmi Narain And Others Vs. State Of Haryana And Others
11.	RFA-329-2010	Sushila @ Silwanti And Others Vs. State Of Haryana And Others
12.	RFA-524-2010	Asha Rani And Others Vs. State Of Haryana And Others
13.	RFA-525-2010	Ram Karan And Others Vs. State Of Haryana And Others

(Anil Kshetarpal)
Judge

April 05, 2025
“DK”