



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RFA-4825-2009 (O&M)
and other connected cases
Reserved on : 31.01.2025
Date of decision: 24.04.2025

Raj Kapoor
Versus
State of Haryana and others

..Appellant
..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Jain, Advocate for the appellant
in RFA-4825, 2828 and 4829 of 2009

Mr. Vibha Tewari, AAG, Haryana

ANIL KSHETARPAL, J.

I. Brief Facts

1. With the consent of the learned counsel representing the parties, a batch of seven connected Regular First Appeals’ three filed by the landowners whereas four filed by the State of Haryana (details whereof are at the foot of the judgment) shall stand disposed of by this common order.

2 The relevant details of acquisition are as under:-

27.09.2002	Notification under Section 4 of the Land Acquisition Act, 1894 was issued for acquisition of land for establishment of Police Research and Development Centre for Recruits Training Centre at Bhondsi, Gurugram
05.11.2003	Declaration under Section 6 was published
25.05.2004	Land Acquisition Collector offered to pay at the rate of Rs.5,00,000/- per acre for chahi and Gair Mumkin Rs.3,50,000/- per acre for Magda, Bhood and Banjar Rs.50,000/- for Hillocks (Pahad) per acre In this acquisition, the land measuring 10 acres was acquired comprised in Rectangles No. 8 and 20.



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3. The Reference Court (hereinafter referred to as ‘RC’) has decided these cases in two different batches i.e on 06.05.2009 and 29.05.2010 but assessed the identical market value of the acquired land at the rate of Rs.9,28,720/-.
4. The landowners claim that the acquired land had potential for being used as residential, commercial and industrial purpose and Pro Agro Seeds Co. Ltd., B.S.Company Ltd., Pharma Houses are located in the vicinity. Hence, the price of the land was not less than Rs.50,00,000/- per acre, particularly when Ryan International Public School and Delhi Public School have been planned only at a distance of 2 kms.
5. The State of Haryana, on the other hand, claims that the RC has erred in assessing the market value at the rate of Rs.9,28,720/- per acre by calculating 12% increase for a period of 6 years, 3 months and 7 days on award Ex.PX.

II. Evidence adduced by the respective parties:-

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

Ex PW1/A	Evidence of Ramu S/O Chota by way of affidavit
Ex PW2	Badan Singh Numberdar
Ex PW3	Asgar Khan Patwari
Ex PW1	Statement of Ramu
Ex PY	Copy of Statement of PW2
Ex PW2	State of Siriya S/O of Chota
Ex PW1	Statement of Setthihali Basavraj S/O S.B. Veera Bhedrappa
Ex PW2	Statement of Sh.YD Adlakha Chartered Engineer and Registered Valuer, Gurgaon

Documentary Evidence of landowners in both the cases

Ex P5	Jamabandi
Ex P6	Jamabandi
Ex P7	Jamabandi



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Ex P8	Jamabandi (Year 1985-86)
Ex P9	Jamabandi (Year 2000-2001)
Ex P4	Copy of judgment dated 06.05.2009
Ex PX	Certified copy of Award dated 06.05.2009
Ex PI	Site plan of land of petitioners
ExPJ	Site plan of acquired land in Village Bhondsi
Ex P-1	General Power of Attorney dated 19.12.1988
Ex P-1	Jamabandi (Year 2000-2001)
Ex P-2 to P-6	Jamabandi (Year 1985)
Ex P10	General Power of Attorney dated 19.12.1988
Ex PX	Copy of judgment of PW-1
Ex PB	Copy of Jamabandi
Ex PC	Certified copy of award
Ex PH	Site plan of farm house
Ex PK to Ph	Jamabandi (Year 2005-2006)

7. On the other hand, State examined the following witnesses:-

Ex RW1	Statement of Tulsi
Ex RW1	Statement of Prem Chand RTC Bhondsi

Documentary Evidence of State

Ex R1	Certified copy of Award dated 29.05.2010
Ex R2	Certified copy of Statement No. 19
Ex R3	Jamabandi (year 2000-2001)
Ex R4	Jamabandi (Year 2005-2006)
Ex R5 to R11	Register Intkal Copies
Ex R-3	Aks-Shizha of Village Bhondsi

8. In the cases decided on 06.05.2009, the landowners produced 14 sale deeds whereas the State produced two sale deeds Ex.R1 and R2. The landowners also relied upon the market value assessed by the court at the rate of Rs.30,000/- per acre for acquired land measuring 35 acres 1 kanal and 1 marla in the previous acquisition for establishing LPG Gas Plant, Bhondsi as on 19.06.1996.



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9. In the award dated 29.05.2010, the landowners produced three sale deeds, whereas the State produced only two sale deeds.

Sr. No.	Ex.	Sale Deed	Date of sale deed	Area	Consideration	Per acre value	Rectan gle//
1.	PW3/1	914	07.07.1997	1k 3m	4,90,000/-	34,08,695/-	100//
2.	PW3/2	965	15.07.1997	1k 2m	4,80,000/-	34,90,909/-	100//
3.	PW3/3	1074	07.08.2001	2k 16m	4,80,000/-	13,71,729/-	100//
4.	PW3/4	1075	07.08.2001	2k 17m	4,80,000/-	13,47,368/-	100//
5.	PW3/5	1513	28.09.2001	2k 17m	4,80,000/-	13,47,368/-	100//
6.	PW3/6	1438	17.09.1997	14k 16m	95,00,000/-	51,35,135/-	35//
7.	PW4/1	2650	19.03.2002	4k 18m	6,58,000/-	10,75,102/-	3// 10//
8.	PW4/2	2651	19.03.2002	4k 4m	5,64,000/-	10,75,238/-	3//
9.	PW4/3	2652	11.01.2002	10k 13m	14,31,000/-	10,74,930/-	3//
10.	PW5/1	2201	11.01.2002	4k 6m	11,45,000/-	21,30,233/-	14//
11.	PW5/2	2202	11.01.2002	5k 7m	13,95,000/-	20,85,981/-	14//
12.	PW5/3	2203	11.01.2002	1k 0m	2,75,100/-	22,00,800/-	14//
13.	PW5/4	2204	11.01.2002	5k 7m	13,95,000/-	20,85,981/-	14//
14.	PW5/5	2205	11.01.2002	6k 16m	17,89,500/-	21,05,294/-	13//
15.	P2/P8	1388	11/07/89	8k	60,000/-	60,000/-	8, 19 and 20
16.	P3/P9	1353	07/07/89	24k	1,80,000/-	60,000/-	8, 19 and 20
17.	P4/P7	572	17/05/89	24k	1,80,000/-	60,000/-	8, 19 and 20
18.	Ex.R1	1341	06.09.2001	8k	3,60,000/-	3,60,000/-	105
19.	Ex.R2	2217	18.02.2000	4k 16m	1,52,000/-	2,53,333/-	119, 120

III. Analysis and Discussion:-

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



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11. The landowners have produced as many as 17 sale deeds. Sale deed Ex.R1 and R2 are with respect to land comprised in Rect.no. 80, 105, 104, 119, 120 whereas the acquired land is out of the land comprised in Rect no.8 and 20. Hence, the distance between the acquired land and parcels of land reflected in the sale instances Ex.R 1 and R2 are likely to be at far off place.

12. The sale deeds produced by the landowners Ex.P7, P8 and P9 are with respect to three different parcels of land reflecting price of Rs.60,000/- per acre. However, these sale deeds are of the year 1989. The notification under Section 4 of the 1894 Act was issued on 27.09.2002. In the area of Gurugram, the prices have increased with each passing day on account of urbanisation. The court has assessed the market value as on 19.06.1996 at the rate of Rs.5,30,000/-, hence, this Court does not find it appropriate to rely upon sale instances of the year 1989, which is 3 years prior to the date of notification under Section 4 of the 1894 Act.

IV. Decision:-

13. Keeping in view the aforesaid discussion, there is no scope for interference. Hence all the appeals are dismissed.

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

**(ANIL KSHETARPAL)
JUDGE**

24.04.2025

rekha

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No

Sr. No.	Case No.	Appellant(s)	Respondent(s)
1.	RFA-4825-2009	RAJ KAPOOR	STATE OF HARYANA



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			AND ORS.
2.	RFA-4828-2009	ANIL BATRA AND ORS.	DISTRICT REVENUE OFFICER AND ORS.
3.	RFA-4829-2009	JHUTHAR	DISTRICT REVENUE OFFICER AND ORS.
4.	RFA-4929-2009	STATE OF HARYANA	RAJ KAPOOR
5.	RFA-4930-2009	STATE OF HARYANA	ANIL BATRA
6.	RFA-5034-2010	STATE OF HARYANA	BED RAM ORS
7.	RFA-4928-2009	STATE OF HARYANA	JHUTHER

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**(ANIL KSHETARPAL)
JUDGE**