In the High Court of Punjab and Haryana, at Chandigarh

Regular First Appeal No. 4834 of 2009 (O&M)
And Other Connected Cases

Reserved On: 31.01.2025
Pronounced On: 24.04.2025

Kailash Singh

... Appellant(s)

Versus

State of Haryana and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Mr. Sanjay Vij, Advocate
for the appellant(s) (In RFA-4834-2029 to RFA-4838-2009, RFA-4220-2009 and RFA-4348-2011).

Mr. Amit Jain, Advocate
for the appellant(s) (In RFA-3983-2009 to RFA-3985-2009 and RFA-4826-2009).

Ms. Vibha Tewari, Assistant Advocate General, Haryana, for the respondents.

Anil Kshetarpal, J.

I. Prelude

1. With the consent of learned counsel representing the parties, a batch of 27 connected regular first appeals (the details whereof is given at the foot of the judgment) requiring the Court to assess the market value of the acquired land shall stand disposed of by this common judgment.

2. The relevant details of the acquisition are as under:-

S.No.	Date	Particulars
1.	11.10.2002	Notification under Sections 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the 1894 Act")

S.No.	Date	Particulars
		was published proposing to acquire the land for the establishment of Regional Training Complex on the land between Recruits Training Centre and the CRPF for Recruits Training Centre at Bhondsi, Tehsil Sohna, District Gurugram.
2.	05.11.2003	Declaration under Section 6 of the 1894 Act was issued.
3.	24.05.2004	The landowners were offered to pay by the Land Acquisition Collector (hereinafter referred to as "the LAC") in the following manner:- i) ₹5,00,000/- for the Chahi and Gair Mumkin land. ii) ₹3,50,000/- for Magda, Bhood and Banjar land. Iii) ₹50,000/- per acre for Pahad i.e. hill.
4.	06.05.2009	The Reference Court (hereinafter referred to as "the RC") assessed the market value of the acquired land @ ₹9,31,333/- per acre.

II. <u>Brief Facts</u>

3. The landowners as well as the State of Haryana assail the correctness of the aforesaid award.

4. The learned counsel representing the landowners claim that the RC has erred in assessing the market value as the acquired land is situated near the main Sohna Road and the prime residential projects/colonies known as Malibu Town, Uppals South End, Unitech South City-II, Ashiana Silver Crest Eldeco, Vipuls's Orchard, Green Unitech's Uniworld Garden, Omax Floors Vatika City, Parview and Green Villas. Sector 55 and 56 developed by the Haryana Urban Development Authority (hereinafter referred to as "HUDA") are also located in the vicinity of the acquired land

and its market value is not less than ₹6,000/- per square yards.

5. Per contra, the learned State counsel submits that the RC has erred in interfering in the market value assessed by the LAC.

6. In order to prove their case, the landowners have examined the statements of the following witnesses:-

Sr. No.	Witness Number	Name of the Witness
1.	PW.1	Kamal Singh
2.	PW.2	Kanshi Ram Dahiya, Draftsman, Court Compound, Gurgaon
3.	PW.3	Braham Jeet
4.	PW.4	Mangat Ram
5.	PW.5	Mohinder Kumar, Document Writer, Tehsil Compound, Sohna, District Gurgaon.
6.	PW.6	Y.D.Adlakha, MIE, FIV, Chartered Engineer and Registered Valuer, Gurgaon.

7. On the other hand, the State has examined Tejbir Singh, ASI, Legal Cell, RTC Bhondsi as RW.1 and Daya Chand, Revenue Patwari, Halqa Bhondsi as RW.2.

8. The RC has relied upon the market value of the land in the same village assessed as on 19.06.1996 in the award (Ex.P6) @ ₹5,30,000/-. The Court, after granting 12% increase for a period of six years three months and 22 days uniformly assessed the market value of the acquired land ₹9,31,333/-. In fact, this increase has been calculated on the base price of ₹5,30,000/- which was determined as on 19.06.1996 for acquiring the land measuring 35 acres 1 kanal and 1 marla land for setting up of the Liquid Petroleum Gas Plant. The RC also excluded the sale instances No. 1341 dated 06.09.2001 (Ex.R1) and No. 2217 dated 18.02.2000 (Ex.R2) from the consideration on the ground that these sale instances reflect the amount

lower than as offered by the LAC.

10. At this stage, it is significant to take note of the following details of the acquired land:-

Sr. No.	Rectangle No.	Khasra No.	Land Measuring	Type of Land
1.	3	6/1	1K-19M	Chahi
2.	4	10	1K-17M	Chahi
3.		11	8M-0M	Chahi
4.		12	5K-7M	Chahi
5.		13	1K-6M	Chahi
6.		17	3K-5M	Chahi
7.		18	8K-8M	Chahi
8.		19	8K-0M	Chahi
9.		20	8K-0M	Chahi
10.		21	7K-11M	Chahi
11.		22	6K-1M	Chahi
12.		23	6K-14M	Chahi
13.		24/1	4K-2M	Chahi

11. The tabulated compilation of the various sale deeds produced by the parties is drawn as under:-

Sr. No.	Exhibit No.	Sale deed No. and Date	Sale Consideration (In ₹)	Per Acre Price (In ₹)	Area	Rectangle No.
1.	Ex.PW.3/1	914/ 09.07.1997	4,90,000/-	34,08,695/-	1K-3M	100
2.	Ex.PW.3/2	965/ 15.07.1997	4,80,000/-	34,90,909/-	1K-2M	100
3.	Ex.PW.3/3	1074/ 07.08.2001	4,80,000/-	13,71,429/-	2K-16M	100
4.	Ex.PW.3/4	1075/ 07.08.2001	4,80,000/-	13,47,368/-	2K-17M	100
5.	Ex.PW.3/5	1513/ 28.09.2001	4,80,000/-	13,47,368/-	2K-17M	100
6.	Ex.PW.3/6	1438/ 17.09.1997	95,00,000/-	51,35,135/-	14K-16M	35
7.	Ex.PW.4/1	2650/ 19.03.2002	6,58,000/-	10,75,102/-	4K-18M	3//10/1
8.	Ex.PW.4/2	2651/ 19.03.2002	5,64,000/-	10,75,238/-	4K-4M	3
9.	Ex.PW.4/3	2652/ 19.03.2002	14,31,000/-	10,74,930/-	10K-13M	3

Sr. No.	Exhibit No.	Sale deed No. and Date	Sale Consideration (In ₹)	Per Acre Price (In ₹)	Area	Rectangle No.
10.	Ex.PW.5/1	2201/ 11.01.2002	11,45,000/-	21,30,233/-	4K-6M	14
11.	Ex.PW.5/2	2202/ 11.01.2002	13,95,000/-	20,85,981/-	5K-7M	14
12.	Ex.PW.5/3	2203/ 11.01.2002	2,75,100/-	22,00,000/-	1K-0M	14
13.	Ex.PW.5/4	2204/ 11.01.2002	13,95,000/-	20,85,981/-	5K-7M	14
14.	Ex.PW.5/5	2205/ 11.01.2002	17,89,000/-	21,05,294	6K-16M	13
15.	Ex.R1	1341/ 06.09.2001	3,60,000/-	3,60,000/-	8K	86//22/2, 23/1, 24/1 & 25. 104//6/1, 7/2, 8, 9, 10, 12 & 13. 105//5, 2, 3, 4, 6, 7, 8, 9, 10/1, 11/1/2, 13, 13, 14/1, 18, 19 & 20
16.	Ex.R2	2217/ 18.02.2000	1,52,000/-	2,53,333/-	4K-16M	119//3, 4, 10, 1, 2 & 120/8

III. <u>Discussion and Analysis</u>

12. During the course of the arguments, the learned counsel representing the State has produced a copy of the official layout plan of village Bhondsi while marking the location of the acquired land for setting up the LPG Plant and the acquired land for establishing the Regional Training Complex. A bare look at the layout plan proves that the distance between the LPG Plant and the Regional Training Complex is 16 to 17 acres. For LPG Plan, the land was acquired from Rectangle Nos. 37 and 15. The LPG Plant was located on Rathoj Road. Whereas for establishing the Regional Training Complex, the land has been acquired from Rectangle Nos. 3 and 4. The sale instances No. 2650 dated 19.03.2002 (Ex.PW.4/1), No. 2651 dated 19.03.2002 (Ex./PW.4/2) and No. 2652 dated 19.03.2002 (Ex.PW.4/3) are with respect to the parcels of the land sold out of the

Rectangle No. 3. In the sale instances No. 2651 dated 19.03.2002 (Ex./PW.4/2) and No. 2652 dated 19.03.2002 (Ex.PW.4/3), the land comprised in Rectangle No.3 Khasra Nos. 1, 2 and 9 have been sold. Thus, these sale instances are with respect to the parcels of the land which are located very near to the acquired land. The word "Rectangle" denotes 25 acres of land (5x5 acres). As per the established practice, the Rectangle No.1 starts from the North Eastern Corner of the village and subsequent numbers are assigned in the ascending orders while going towards the South East direction. Thereafter, the numbers increase in spiral shape while travelling in a row of 5 acres depth from North-East to South-East and then South-East to North-East and then North-East to South-East. These three sale instances are with respect to the contemporary period i.e. 7 months before the notification under Section 4 of the 1894 Act was issued. The sale instance (Ex.P1 and Ex.P2) are with respect to more than half acre of land, whereas the sale instance No. 2652 dated 19.032002 (Ex.PW.4/3) is with respect to the land measuring 10 kanals 13 marlas which is more than 1 acre of land. Hence, these sale instances can be relied upon for assessing the market value of the acquired land. The State has not led any evidence to prove that the price reflected in these sale instances was artificially inflated or these were not genuine. The sale instances No. 1341 dated 06.09.2001 (Ex.R1) and No. 2217 dated 18.02.2000 Ex.R2) produced by the CRPF is with respect to the sale of land comprised in Rectangle No. 86, 104, 105, 119 and 120. These parcels are likely to be located farther from the acquired land.

13. It would be noted here that with respect to the acquired land for

establishing LPG Plant, the Supreme Court in ***Hari Ram (Deceased) through his Legal Representatives and Another v. Land Acquisition Collector-cum-District Revenue Officer, Gurgaon and Others (SLP © No. 18054 of 2019, decided on 20.10.2022)*** assessed the market value of the acquired land @ ₹12,16,800/- per acre. However, it would not be safe to rely upon the same because in the area of Bhondsi which falls in District Gurgaon, there was a lot of commercial and residential activity. With each passing day, the prices of the land escalate because of the all-round development. Moreover, once three sale deeds pertaining to the adjoining land to the acquired land are available, it would not be safe to rely upon the assessment of the market value of the land acquired more than six years prior to the present acquisition.

14. As already noticed, there is a gap of seven months between the sale deeds No. 2650 dated 19.03.2002 (Ex.PW.4/1), No. 2651 dated 19.03.2002 (Ex./PW.4/2) and No. 2652 dated 19.03.2002 (Ex.PW.4/3) and the date of notification under Section 4. The landowners are entitled to increase @ 12% per annum on the base value of ₹10,74,930/-. Hence, the landowners shall be entitled to 7% increase, which would come to ₹11,50,175/- per acre.

IV. <u>Relief</u>

15. Keeping in view the aforesaid facts and discussion, the landowners are held entitled to ₹11,50,175/- per acre along with all the statutory benefits as per the amended 1894 Act. Consequently, the appeals filed by the landowners are allowed, whereas that of the State are dismissed.

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

(Anil Kshetarpal)
Judge

April 24, 2025
"DK"

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

Sr. No.	Case No.	Party's Name
1.	RFA-3982-2009	Rame and others Vs. District Revenue officer and others
2.	RFA-3983-2009	Beena Devi Vs. District Revenue officer and others
3.	RFA-3984-2009	Shukli and another Vs. District Revenue officer and others
4.	RFA-3985-2009	Shehjad Dagar Vs. District Revenue officer and others
5.	RFA-4174-2009	State of Haryana Vs. Kamal Singh
6.	RFA-4175-2009	State of Haryana Vs. Rame and others
7.	RFA-4176-2009	State of Haryana Vs. Prem Rattan Gupta
8.	RFA-4177-2009	State of Haryana Vs. Prem Rattan Gupta
9.	RFA-4178-2009	State of Haryana Vs. Gram Panchayat Bhondsi
10.	RFA-4179-2009	State of Haryana Vs. Shukli and others
11.	RFA-4220-2009	State of Haryana Vs. Kailash Singh
12.	RFA-4221-2009	State of Haryana Vs. Beena Devi
13.	RFA-4224-2009	State of Haryana Vs. Shehjad Dagar
14.	RFA-4304-2009	State of Haryana Vs. Narender Diwan
15.	RFA-4305-2009	State of Haryana Vs. Divyaroop Bhatnagar
16.	RFA-4306-2009	State of Haryana Vs. Beg Raj
17.	RFA-4643-2009	State of Haryana Vs. Sushila Devi
18.	RFA-4410-2011	State of Haryana Vs. Settihalli Basavaraj and another
19.	RFA-4826-2009	Gram Panchayat Bhondsi Vs. State of Haryana and others
20.	RFA-4348-2011	Settihalli Basavaraj and another Vs. State of Haryana and another
21.	RFA-4835-2009	Narender Diwan Vs. State of Haryana and another
22.	RFA-4836-2009	Kamal Singh Vs. State of Haryana and another
23.	RFA-4838-2009	Sushila Devi Vs. State of Haryana and others
24.	RFA-4837-2009	Beg Raj Vs. State of Haryana and another
25.	RFA-5361-2011	Prem Rattan Gupta Vs. District Revenue officer and others
26.	RFA-5362-2011	Prem Rattan Gupta and others Vs. District Revenue officer and others

(Anil Kshetarpal)
Judge

April 24, 2025
"DK"