



In the High Court of Punjab and Haryana, at Chandigarh

**Regular First Appeal No. 3325 of 2010 (O&M)
And Other Connected Cases**

**Reserved On: 14.01.2025
Pronounced On: 18.03.2025**

Rohtash

... Appellant(s)

Versus

State of Haryana and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Sandeep Kumar Yadav, Advocate
for the appellant(s) (In RFA-3225-2010 to
RFA-3332-2010).

Mr. Jivesh Malik, Advocate
for Mr. Hitesh Malik, Advocate
for the appellant(s) (In RFA-4475-2010 to
RFA-4484-2010).

Mr. J.P.Sharma, Advocate
for the appellant(s) (In RFA-4504-2010 to
RFA-4510-2010) and for the respondents
(In RFA-5057-2010).

Ms. Safia Gupta, Advocate General, Haryana.

Anil Kshetarpal, J.

1. Factual Matrix

1.1 With the consent of the learned counsel representing the parties,
a batch of 35 regular first appeals, details whereof are given at the foot of the
judgment, shall stand disposed of by this common order.

1.2 This Court has been called upon to assess the market value of
the land acquired for establishing/developing new grain, food, vegetable

and fodder market in the Narnaul City. The relevant and necessary details of the acquisition are as under:-

S.No.	Date	Particulars
1.	19.10.2004	Notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as “the 1894 Act”) was issued proposing to acquire the land for developing a new grain, food, vegetable and fodder market at Narnaul.
2.	14.11.2006	Declaration under Section 6 of the 1894 Act was published.
3.	05.12.2006	The Land Acquisition Collector (hereinafter referred to as “LAC” offered to pay @ ₹5,00,000/- per acre.
4.	06.03.2010	The Reference Court (hereinafter referred to as “RC”) has dismissed all the reference petitions.

.3 The landowners claim that the market value is not less than ₹10,000/- per square yard as the acquired land is situated on the Narnaul-Jaipur Road and located within the municipal limits of Narnaul Town. The State, on the other hand, claims that the LAC has correctly assessed the market value. Hence, there is no scope for enhancement.

2. **Evidence Adduced**

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

Sr. No.	Witness Number	Name of the Witness
1.	PW.1	Babu Lal, Kanungo
2.	PW.2	Hari Om, Draftsman
3.	PW.3	Sunder Lal Mehra
4.	PW.4	Ram Chander, HRC
5.	PW.5	Kartar Singh
6.	PW.6	Satbir Singh, Clerk
7.	PW.7	Dinesh Kumar
8.	PW.8	Parveen Kumar, Patwari
9.	PW.9	Om Parkash, Clerk
10.	PW.10	Parbhati
11.	PW.11	Rohtash

Sr. No.	Witness Number	Name of the Witness
12.	PW.12	Jai Singh
13.	PW.13	Anoop Singh
14.	PW.14	Dariya Singh
15.	PW.15	Chhaju Ram
16.	PW.16	Mahesh Chand
17.	PW.17	Bhagwani
18.	PW.18	Kamla
19.	PW.19	Giarsi Lal
20.	PW.20	Amrit Lal
21.	PW.21	Harphool singh
22.	PW.22	Jagdish
23.	PW.23	Shiv Lal
24.	PW.24	Mani Ram
25.	PW.25	Dinesh Kumar
26.	PW.26	Ashok Kumar
27.	PW.27	Mahavir
28.	PW.28	Subhash
29.	PW.29	Ramji Lal
30.	PW.30	Surji
31.	PW.31	Dharanand
32.	PW.32	Phool Singh
33.	PW33.	Naresh
34.	PW.34	Jagmal Singh
35.	PW.35	Kailash
36.	PW.36	Ravidutt
37.	PW37.	Vijay Kumar

2.2.

On the other hand, the State Government has examined RW.1 Satya Parkash.

2.3

The RC has prepared a tabulated compilation of the sale deeds, which is extracted as under:-

Sr. No.	Sale Deed No. and Date	Village	Area	Sale Price (In ₹)	Average Price Per Acre (In ₹)
1.	2397/27.11.2001 (Ex.PW.25/1)	Narnaul	2 Biswa	82,500/-	13,20,000/-
2.	1959/05.11.2003 (Ex.PW.25/2)	Narnaul	1 Biswa	90,000/-	28,80,000/-

Sr. No.	Sale Deed No. and Date	Village	Area	Sale Price (In ₹)	Average Price Per Acre (In ₹)
3.	2396/28.11.2001 (Ex.PW.25/3)	Narnaul	2 Biswa	82,500/-	13,20,000/-
4.	1391/29.06.2004 (Ex.PW.25/4)	Narnaul	4 Biswa	2,70,000/-	21,60,000/-
5.	1624/20.01.1999 (Ex.PW.25/5)	Narnaul	1 Biswa	63,000/-	20,16,000/-
6.	1840/10.02.1999 (Ex.PW.25/6)	Patikara	2 Biswa	90,00/-	14,40,000/-
7.	1678/04.01.1989 (Ex.PW.25/7)	Narnaul	1 Biswa	35,000/-	11,20,000/-
8.	1641/14.07.2004 (Ex.PW.25/8)	Narnaul	1 Biswa	2,65,000/-	84,80,000/-
9.	452/17.06.1998 (Ex.PW.25/9)	Narnaul	13 Biswansi	50,000/-	24,61,536/-
10.	2992/05.11.2004 (Ex.PW.36/C)	Narnaul	1 Biswa	60,000/-	9,60,000/-
11.	163/20.04.2006 (Ex.PW.36/D)	Narnaul	8 Biswa 12 Biswansi	2,70,000/-	1,04,651/-

2.4 Apart from the sale instances, the land owners have also produced the various layout plans including PW.2/E and *Aks Shijra* (PW.8/A). The landowners have examined the Revenue Official of the Village, namely Parveen Kumar, Patwari, who has produced a copy of the official layout plan of the acquired land.

2.5 After coming to a conclusion that the sale deed Ex.PW.25/1, Ex.PW.25/2, Ex.PW.25/3, Ex.PW.25/5 to Ex.PW.25/7 and Ex.PW.25/8 produced by the landowners pertain to the smaller pieces of land and these were executed during the period much prior to the date of notification under Section 4, the RC considered inappropriate to rely upon these sale deeds for assessing the market value of the acquired land on 19.04.2004. The sale deed (Ex.PW.36/D) has been ignored on the ground that it is executed post notification dated 19.10.2024. The sale deed (Ex.PW.25/4) has been ignored

on the ground that it is again a small piece of land measuring 4 biswas i.e. 600 square yards located in Mohalla Moti Nagar, Ward No. 21, Narnaul. This sale deed was also executed post 19.10.2004. Similarly, the sale deed (Ex.PW.25/8) has been ignored on the ground that it pertains to a pucca house. The sale deed (Ex.PW.36/C) has also been ignored on the ground that it is with respect to a smaller parcel of land.

3. Arguments Addressed

3.1 The learned counsel representing the appellants have submitted that the RC has erred in dismissing the appellants' reference petitions. They submitted that the property is located within the municipal limits of Narnaul Town and the sale instances of the large plots were not available. They submitted that 30% cut can be applied to assess the market value particularly when the acquired land is located on the State Highway going from Narnaul to Jaipur.

3.2 Per contra, the learned State counsel has defended the judgment of the RC on the ground that the sale deeds of the smaller parcels of land should not be relied upon.

4. Discussion & Analysis

4.1 In order to understand the location of the acquired land, a careful study of the layout plan (Ex.PW.2/E) is necessary. There is a State Highway which goes from Narnaul Town to Jaipur. On this road, the acquired land is located near Haryana Public School and a petrol pump. There are shops where the bodies of the trucks are fabricated. Petrol Pump and Sanghi Automobiles, an agency of Tata Motors are also located in the vicinity. Then there is a Cement Factory across the road. Immediately

behind the acquired land, there is a historical place known as Jal Mahal which is surrounded by a path. A Government Polytechnic College is located behind Jal Mahal. K.L. High School is also located near the acquired land. Mohalla Purani Mandi is also nearby. The entire area is surrounded by the residential and commercial establishments. If one travels on the road towards Jaipur from Narnaul, immediately after the acquired land, there is a road. Thereafter, there is an eating joint. Now if we compare this layout plan with Ex.PW.8/A (*Aks Shijra* of the land) produced by the Revenue Patwari, a government official, it is evident that the acquired land is comprised in the following khasra numbers:-

Sr. No.	Khasra Number
1.	5462/1
2.	5463/2
3.	5464
4.	5464/1
5.	5466
6.	5467
7.	5468
8.	5479
9.	5480/1
10.	5480/3
11.	5483/1
12.	5483/3
13.	5484/2
14.	5485/1
15.	5489/1
16.	5490/1
17.	5491
18.	5492
19.	5493
20.	5494
21.	5495
22.	5496
23.	5497
24.	5498

25.	5499
26.	5500
27.	5501/1
28.	5501/2
29.	5502
30.	55033
31.	5504
32.	5505
33.	5506/1
34.	5506/2
35.	5506/3
36.	5507/1
37.	5507/2
38.	5507/3
39.	5508/1
40.	5508/2
41.	5509
42.	5510
43.	5511/1
44.	5511/2
45.	5512
46.	5513
47.	5514
48.	5515
49.	5516
50.	5517
51.	5518
Total Land	109 Bighas 9 Biswas

4.2 On one side of this acquired land is a State Highway which goes to Jaipur from Narnaul whereas there is another road on both sides of the acquired land. Immediately after the passage, khasra No. 4198, 5237 and 5239 are located. The sale deeds (Ex.P25/1 and Ex. P25/3) pertain to two biswas of land each (300 square yards each) sold from the land comprised in khasra No. 5209/2 which is very close to the acquired land. These two parcels of land have been sold @ ₹82,500/- each on 27.11.2001 and 28.11.2001. The per acre price of the aforesaid sale deeds come out to be

₹70,82,000/- per acre. Both the plots are small plots, however, if consolidated, plot of 600 square yards has been sold for ₹1,65,000/-. Since the acquired land is surrounded by the houses and residential and commercial establishments, the likelihood of the sale instances of the large parcels of land is remote particularly when the State has also not produced any sale deeds. While assessing the market value of the acquired land, the Court has to apply appropriate cut in order to come to a conclusion. Since the sale deed, a parcel of plot measuring 600 square yards (two sale deeds of 300 square yards each) which is located close to the acquired land, has been produced, hence, in the absence of other evidence, these sale exemplars are required to be taken into account for assessing the market value of the acquired land. In the facts and circumstances of the present case, it is considered appropriate to apply 50% cut keeping in view the entire situation. Firstly, there is a gap of 2 years and 11 months between 25.11.2001, the date of execution of the sale deeds and 19.10.2004, the date of notification under Section 4, hence, it is considered appropriate to grant 10% increase per year for a period of 2½ years and thereafter, apply cut of 50% to assess the market value. If an amount of ₹13,20,000/- is increased by 29%, the amount comes to ₹17,02,000/- per acre. After applying 50% cut, the per acre price comes out to be ₹8,51,400/-.

4.3 It would be noted here that in oral evidence, as many as eight witnesses of the landowners have made statement that these sale instances pertain to parcels of land located in the vicinity of the acquired land. However, the learned State counsel has not challenged the correctness of the aforesaid statement in cross-examination of the witnesses. Moreover, the

layout plan Ex.PW.8/A shows that the land comprised in khasra No. 5205 abuts the acquired land.

5. Decision

5.1 Consequently, all these appeals are allowed and the landowners are held entitled to the market value of the acquired land @ ₹8,51,400/- along with all the statutory benefits as per the amended Land Acquisition Act, 1894.

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

(Anil Kshetarpal)
Judge

March 18, 2025
“DK”

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

Sr. No.	Case No.	Party’s Name
1.	RFA-3326-2010	Parbhathi V/s State of Haryana and others
2.	RFA-3327-2010	Kartar Singh and others V/s State of Haryana and others
3.	RFA-3328-2010	Dinesh Kumar V/s State of Haryana and others
4.	RFA-3329-2010	Dhara Nand and others V/s State of Haryana and others
5.	RFA-3330-2010	Mani Ram and others V/s State of Haryana and others
6.	RFA-3331-2010	Ram Niwas and others V/s State of Haryana and others
7.	RFA-3332-2010	Kailash and others V/s State of Haryana and others
8.	RFA-4247-2010	Mandir Murti Sita Ram Ji situated at Talab Bahadar Singh, Narnaul V/s State of Haryana and others
9.	RFA-4248-2010	Subhash Chand V/s State of Haryana and others
10.	RFA-4475-2010	Smt. Kamla Devi V/s State of Haryana and others
11.	RFA-4476-2010	Harphool Singh V/s State of Haryana and others
12.	RFA-4477-2010	Jai Singh V/s State of Haryana and others
13.	RFA-4478-2010	Anup Singh V/s State of Haryana and others
14.	RFA-4479-2010	Giyarsi Lal V/s State of Haryana and others
15.	RFA-4480-2010	Smt. Bhagwani V/s State of Haryana and others
16.	RFA-4481-2010	Chhaju and others V/s State of Haryana and others
17.	RFA-4482-2010	Amrit Lal V/s State of Haryana and others
18.	RFA-4483-2010	Smt. Chawali Devi and others V/s State of Haryana and others

Sr. No.	Case No.	Party’s Name
19.	RFA-4484-2010	Dariao Singh V/s State of Haryana and others
20.	RFA-4504-2010	Subhash and others V/s State of Haryana and others
21.	RFA-4505-2010	Ashok Kumar and others V/s State of Haryana and others
22.	RFA-4506-2010	Smt. Nandori and others V/s State of Haryana and others
23.	RFA-4507-2010	Ram Ji Lal V/s State of Haryana and others
24.	RFA-4508-2010	Smt. Surji V/s State of Haryana and others
25.	RFA-4509-2010	Phool Chand and others V/s State of Haryana and others
26.	RFA-4510-2010	Shiv Lal V/s State of Haryana and others
27.	RFA-4533-2010	Bhup Singh and others V/s State of Haryana and others
28.	RFA-5056-2010	Mandir Sita Ramji situated at Talab Bahadar Singh, Narnaul V/s Smt. Lori Devi and others
29.	RFA-5057-2010	Mandir Sita Ramji situated at Talab Bahadar Singh, Narnaul V/s Shiv Lal and others
30.	RFA-5058-2010	Mandir Sita Ramji situated at Talab Bahadar Singh, Narnaul V/s Nandori and others
31.	RFA-5059-2010	Mandir and Murti Sitaram Ji situated Talab Bahadar Singh, Narnaul V/s State of Haryana and others
32.	RFA-5060-2010	Mandir Sita Ramji situated at Talab Bahadar Singh, Narnaul V/s Smt. Surji and others
33.	RFA-5301-2010	Mahadev Parshad Dharmarth Trust V/s State of Haryana and others
34.	RFA-5471-2010	Smt. Santra @ Sanra V/s State of Haryana and others

March 18, 2025
“DK”

(Anil Kshetarpal)
Judge