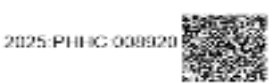




Date of decision : 21.01.2025

NEERAJ
2025.01.28 12:04
I attest to the accuracy and
integrity of this document



- | | | |
|----------------------------------|-----|----------------------|
| 8. | | RFA-4517-2011 (O&M) |
| Hannu Khan and others | | ...Appellants |
| | Vs. | |
| The State of Haryana and another | | ...Respondents |
| 9. | | RFA-4518-2011 (O&M) |
| Mohammad Khan and others | | ...Appellants |
| | Vs. | |
| The State of Haryana | | ...Respondent |
| 10. | | RFA-4519-2011 (O&M) |
| Chhajju Hussain Khan and others | | ...Appellants |
| | Vs. | |
| The State of Haryana and others | | ...Respondents |
| 11. | | RFA- 6959-2011 (O&M) |
| Rahim Khan and another | | ...Appellants |
| | Vs. | |
| The State of Haryana | | ...Respondent |
| 12. | | RFA- 6111-2011 (O&M) |
| Hamida and another | | ...Appellants |
| | Vs. | |
| The State of Haryana | | ...Respondent |

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Safia Gupta, AAG, Haryana.

Mr. Rahul Vats, Advocate
for the appellant(s) in RFA Nos. 4517, 4518, 4519, 6959 &
6111 of 2011 and
for the respondent(s) in RFA Nos. 3783, 3784, 3785, 3786,
3787, 3788, 3789 of 2010.

ANIL KSHETARPAL, J. (Oral)

1. With the consent of learned counsel representing the parties, a
batch of 12 connected regular first appeals shall stand disposed of by this



common order.

2. In all these appeals, the question is with regard to the assessment of the market value of the acquired land. The land owners and State of Haryana assail the correctness of a common Award passed by the Reference Court. In this case, the market value of the acquired land is to be assessed on 05.02.2002, the date when the notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act') was issued.

3. 5.69375 acres land was acquired for construction of road Gohpur to Modhamka via Gurakshar in Faridabad District.

4. The Land Acquisition Collector assessed the market value of the land in the following manner:-

1. Chahi Land - Rs. 2,50,000/- per acre.
2. Barani Land - Rs.2,25,000/- per acre
3. Gair mumkin Land- Rs.1,80,000/- per acre

5. On an application under Section 18 of the Act, the matter was referred to the Court by impugned Award passed on 29.04.2010. The Reference Court revised the market value of the acquired land in the following manner:-

1. Chahi Land - Rs.4,00,000/- per acre
2. Barani Land - Rs.3,70,000/- per acre
3. Gair mumkin - Rs.3,30,000/- per acre

6. All these appeals have been filed to challenge the common Award passed by the Reference Court. The State of Haryana has also filed appeals seeking reduction of the market value.



7. The Reference Court culled out the following issues:-
- “1. What was the market price of the acquired land at the time of publication of notification under section 4 of the Land Acquisition Act? OPP
2. Whether the petition is within limitation? OPP
3. Relief”
8. Apart from the oral evidence, the land owners produced sale deeds Ex. P-1, P-3, P-5 & P-6 to P-9. They also produced Shijra-Kilabandi Ex. P-10 and list of D.C. rates.
9. On the other hand, the State of Haryana examined RW/1-Amit Manuja, Sub Divisional Engineer, Hatin and produced sale deeds Ex. R-1 to R-4.
10. Though, the land owners produced as many as 07 sale deeds, however, out of them 06 were executed post the date of notification under Section 4 of the Act. Only one sale deed i.e. dated 19.01.2001 pertains to the period prior to notification under Section 4 of the Act.
11. *Per contra*, learned State counsel produced the following sale deeds:-

S.No.	Sale Deed No. & Date	Village	Area	Sale Price	Average per acre
1.	8 dt. 4.4.01	Guraksar	8K OM	Rs. 2.10 Lac	Rs. 2.10 Lacs
2.	500 dt. 8.6.01	Guraksar	1K 18M	Rs. 50000/-	Rs.2,10,526/-
3.	522 dt. 14.6.01	Guraksar	4K OM	Rs. 1.25 Lacs	Rs. 2.50 Lacs
4.	864 dt. 10.7.01	Guraksar	19K 9M	Rs. 4.15 Lacs	Rs.1,70,694/-

12. The Reference Court calculated the average of sale price of Ex.P6 to P9. Separately, the average sale price of the sale instances Ex. R1 to R4 was calculated. Thereafter, the average of both the amount i.e Rs.6,16,100/- and Rs.2,10,305/- was calculated @ Rs.4,00,000/- per acre. Proportionately, the



market value of the Barani and Gair Mumkin Land was reduced from Rs.4,00,000/-.

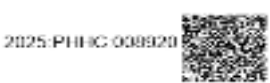
13. Heard the learned counsel representing the parties at length and with their able assistance perused the paper-book alongwith the requisitioned record.

14. Learned counsel representing the land owners submits that sale deed dated 19.01.2001 reflect the market value of the acquired land @ Rs.4,80,000/- per acre. He prays for grant of appropriate increase for a period of 01 year @ 12% to calculate the market value.

15. *Per contra*, learned State counsel has submitted that the sale deeds produced by the State prove that the market value of the land in the village was not more than Rs.2,50,000/- per acre as per sale deed dated 14.06.2001. She submits that the Reference Court has erred in increasing the amount from Rs.2,50,000/- to Rs.4,00,000/-

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

17. Before the Court proceeds to assess the market value on the basis of a particular sale deed, the parties are required to prove that the parcel of land reflected in the sale deed was similarly located having same potentiality in terms of market value and usage. Mere production of a sale deed of the same village is not sufficient for assessment. Sale deed dated 19.01.2001 is only with respect to 01 kanal and 06 marlas plot, which is ordinarily not sold for agricultural purpose. Though, in the sale deed there is no recital, however, the area of 1 kanal 06 marlas land would be around 785 sq. yard. In villages, the



agricultural land is not ordinarily sold in such small parts. The acquired land is agricultural land. Moreover, the land owners have not produced a cogent evidence to prove that the location of acquired land was similar to the parcel of land reflected by sale deed dated 19.01.2001.

18. Similarly, the State has also not produced any evidence to prove the location of various parcels of land represented by sale deeds Ex. R1 to R4. Though, the sale instances are with respect to parcels of land located in the same village i.e. Guraksar. However, it is not appropriate to rely upon the same in absence of cogent evidence with regard to similarity of the parcels of land. While admitting the appeals filed by the State, no interim order was granted. The land owners must have been paid the entire compensation. At this stage, it will not be appropriate to order recovery from the land owners.

19. Consequently, all the appeals are dismissed.

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

21.01.2025
neeraj

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No