

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RFA No.5429 of 2010(O&M)
Reserved on:15.01.2025
Date of Order:28.03.2025.

Dharampal Singh

.Appellant

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Anil Mehta, Advocate
Mr. Nishant Jindal, Advocate
for the appellant(s) (in RFA-5429-2010, 3538-2010, 4154-2010, 268-2015 and 269 of 2015.

Mr. Keshav Pratap Singh, Advocate
Mr. Tarun Hooda, Advocate
Mr. Anhimanyu Singh, Advocate
for the appellant(s) (in RFA-266-2015, 267-2015, 270-2015 550-2015)

Mr. Shivendra Swaroop, DAG, Haryana.

ANIL KSHETARPAL, JUDGE (Oral)

1. INTRODUCTION AND BACKGROUND

1.1 With the consent of the learned counsel representing the parties, a batch of 10 connected Regular First Appeals, details whereof are given on 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 acquired land. The relevant and necessary details of the acquisition are as under:-

Sr.No.	Particulars	Relevant Date
1.	Notification under Section 4 read with Section 17(1) of the Land Acquisition Act, 1894 was published.	28.03.2007



2.	Declaration under Section 6 of the Land Acquisition Act, 1894 was published.	12.09.2007
3.	The Land Acquisition Collector offered to pay market value to the landowners @ Rs.10,00,000/- along with 30% solatium and 12 % interest	05.12.2007
2.	Location of land	Villages Tigrana
3.	Purpose of acquisition	Construction of Sewerage Treatment Plant

1.3 By two separate awards passed on 26.10.2009, the Reference Court (hereinafter referred to as 'the RC') dismissed the petition under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as the 1894 Act).

1.4 The landowners claimed that the market value of the acquired land was not less than Rs.5000/- because of potential to be used for residential and commercial purpose. It has been asserted that the acquired land is located near District Jail, Bhiwani, Milk Plant, Friends Colony, Police Line, Ch. Devi Lal Colony etc. The Land Acquisition Collector (hereinafter referred to as 'the LAC') has erred in overlooking these facts. Damages for bifurcation of land into two or more parts was also sought.

1.5 The State of Haryana claimed that just, fair and reasonable market value has been determined by the LAC.

2. **EVIDENCES ADDUCED:-**

2.1 In both the batches, the landowners examined the following witnesses:-

PW1	Dharampal Singh
PW2	Virender Singh
PW3	Ram Avtar

PW4	Bobbat Ram, Halqa Patwari, Village Paluwas
PW5	Ishwar Singh, Halqa Patwari, Village Bhiwani Lohar
PW6	Om Parkash, Halqa Patwari, Village Tigrana
PW7	Vijay Kumar, Patwari, O/o Distt. Town Planner, Bhiwani
PW8	Girwar Singh

2.2 In a separate batch, the landowners examined the following witnesses:-

PW1	Ram Avtar
PW2	Bobad Ram, Halqa Patwari, Village Paluwas
PW3	Ishwar Singh, Halqa Patwari, Village Bhiwani Lohar
PW4	Om Parkash, Halqa Patwari, Village Tigrana
PW5	Vijay Kumar, Patwari, O/o Distt. Town Planner, Bhiwani

2.3 On the other hand, State examined RW1-Ram Niwas Kanungo, in both the cases.

2.4 The RC found that the sale deed No.1245, dated 08.05.2006, Ex.R2, is with respect to the acquired land. Whereas the sale deed Ex.R3, dated 17.01.2006, is with respect to the adjoining land. Whereas, the sale deeds produced by the landowners are with respect to parcels of land located at a distance from the acquired land. Thus, the RC dismissed all the reference petitions.

3. **ARGUMENTS ADDRESSED BY THE LEARNED COUNSEL REPRESENTING THE PARTIES**

3.1 This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book along with the requisitioned record.

3.2 Learned counsel representing the parties have submitted that the acquired land was capable of being used for commercial purpose as it was located District Head Quarter, Bhiwani. They submit that the landowners are entitled to the highest price as per sale deed nos.2900 or 5069.

4. **DISCUSSION AND ANALYSIS:-**

4.1 This court has considered the submissions of the learned counsel representing the parties.

4.2 Ex.R8, is a layout plan produced by the State while marking the location of the acquired land and the sale deeds. Some part of the acquired land is comprised in Rect. No.309 and is located in the area of village Tigrana, whereas a small part is located in village Bhiwani Lohar. Rectangular compact plot has been acquired for sewerage treatment plant. Sale deed Ex.R2 (1245 dated 08.05.2005), is with respect to land comprised in Rect. No.309, khasra no.1, which has been acquired. This parcel of land has been sold on 08.05.2001, @ Rs.2,20,000/- per acre. Moreover, Ex.R3 is with respect to land comprised out of Rect. no.298 and Rect. No.310, which abuts the acquired land. This parcel of land has been sold on 17.01.2010 @ Rs.2,00,000/- per acre. A tabulated compilation of the sale deeds produced by the parties is extracted as under:-

Sr.No.	Registry No.	Date	Area(K-M)	Khasra/Killa No.	Amount	Amount per acrea	Amount per Marla	Amount in per Sq. Yards
P1	2900(Tigrana)	13.7.2007	3-4(515 sq. yards House)	258//11/2, 12/1	1,000,000	2500000	15625	516.52
P2	5069(Tigrana)	18.2.2000	8-0	793//25	968000	968000	6050	200
P3	2312(Palwas)	25.6.2007	23-17	187//24, 206//4, 5/1, 7, 8/1, 150//3/10 4, 187//24, 25	12536454 4	42051000	262818	8688

P4	9614(Bhiwani Lohar)	24.3.2009	75 sq. yards	HSVP Sector Plot	390000	25168000	157300	5200
P5	4065(Bhiwani Lohar)	26.8.2008	357 sq. yards	123//14	1859000	25203249	157520	5207
P6	10098(Bhiwani Lohar)	15.1.2007	0-8.5(254 sq. yards)	615	3063000	57656470	360353	11912
P7	9630(Bhiwani Lohar)	02.1.2007	0-7(210 sq. yards)	830, 831	231000	5280000	33000	1091
P8	1563(Bhiwani Lohar)	01.3.2007	0-10(300 sq. yards)	218//5	330000	5280000	33000	1091
P9	9631(Bhiwani Lohar)	02.1.2007	0-6.5(198 sq. yards)	833, 834	220000	5415385	33846	1118
P10	2361(Bhiwani Lohar)	26.3.2007	0-10	830, 831	330000	5280000	33000	1091
P11	1088(Bhiwani Lohar)	15.2.2007	0-9	109//14	494500	8791111	54944	1816
P12	5993(Bhiwani Lohar)	15.11.2007	0-13 (391.78 sq. yards)	328//1	588000	7236923	45230	1495

Village Tigrana

Exhibits	Registry no.	Date	Area (k-M)	Amount	Amount per acre	Amount per marla
R-1	1246	8.5.2006	30-8	8,36,000.00	2,20,000.00	1375.00
R-2	1245	8.5.2006	7-12	2,09,000.00	2,20,000.00	1375.00
R-3	9299	17.1.2006	36-0	9,00,000.00	2,00,000.00	1250.00
R-4	6651	12.12.2007	48-0	36,00,000.00	6,00,000.00	3750.00
R-5	6652	12.12.2007	55-15	39,31,500.00	5,64,161.60	3526.01
R-6	6094	13.10.2005	11-4	2,80,000.00	2,00,000.00	1250.00
R-7	8354	23.12.2005	0-16	72,000.00	7,20,000.00	4500.00
<u>Village Bhiwani Lohar</u>						
R-1	6566	31.10.2005	3-12	1,57,500.00	3,50,000.00	2187.00
R-2	5883	7.10.2005	3-14	85,000.00	1,83,784.00	1148.65
R-3	2347	20.06.2005	7-8	2,05,000.00	2,21,622.00	1385.14

4.3 It is evident from perusal of Ex.C1, that the sale deed Ex.5069, is with respect to 8 kanals land located near the abadi of village Tigrana. This parcel of land is located at a significant distance from the acquired land. Similarly, the sale deed Ex.2900, Ex.P1, dated 13.07.2007, is also at a distance and is with respect to parcel of land located on Hansi-Bhiwani road,

whereas the acquired land is not located near any road. In fact, the acquired land is located near Gujrani minor.

5. **DECISION:-**

5.1 Keeping in view the sale deeds Ex.R2, Ex.R3, it is evident that the price of the land at the relevant time was not more than the amount offered by the LAC.

5.2 Hence, there is no error in the award passed by the RC.

5.3 All the appeals are dismissed.

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

(ANIL KSHETARPAL)
JUDGE

28th March, 2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

RFA No.5429-2010	Dharampal Singh vs. State of Haryana and others
RFA No.3538-2010	Ramavtar Sharma and others vs. State of Haryana and others
RFA No.3539-2010	Ram Avtar vs. State of Haryana and others
RFA No.4154-2010	Bitto Devi and others vs. State of Haryana and others
RFA No.266-2015	Umed Singh vs. State of Haryana and others
RFA No.267-2015	Mahabir Singh and others vs. State of Haryana and others
RFA No.268-2015	Kanwar Pal Singh vs. State of Haryana and others
RFA No.269-2015	Anita vs. State of Haryana and others
RFA No.270-2015	Shanti vs. State of Haryana and others
RFA No.550-2015	Vidya and others vs. State of Haryana and others

(ANIL KSHETARPAL)
JUDGE