2025:PHHC:052915

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**RFA-2263-2017 (O&M) and
other connected cases
Reserved on: 08.04.2025
Date of decision: 25.04.2025**

SADHU RAM AND OTHERS ..Appellants

Versus

STATE OF HARYANA AND ANR. ..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Shailendra Jain, Sr. Advocate
with Mr. Munish Kumar, Advocate
Mr. Rahul, Advocate
for the appellant (s) (in RFA-2263 to 2271, 2275,
2277, 2278 and 2685 of 2017).

Mr. Sanjeev Majra, Advocate
for the appellants (in RFA-3219, 2445 and 2436 of 2017).

Mr. Sanjiv Gupta, Advocate
for the landowners (in RFA-2745-2017).

Mr. Raj Kapoor Malik, Advocate
for the appellant (in RFA-1825-2017).

Mr. Abhinash Jain, DAG, Haryana.

Mr. Pritam Singh Saini, Advocate for respondent No.2.

ANIL KSHETARPAL, J.

1. Brief facts of the case:-

1.1 With the consent of learned counsel representing the parties, a batch of 19 connected regular first appeals (detail whereof is given at the foot of the judgment) shall stand disposed of by this common order.

1.2 The necessary and relevant details of the acquisition are as under:-

Sr. No.	***Particulars***	***Important dates and details***
1.	*Date of Notification under Section 4 of the Land Acquisition Act, 1894 (in short '1894 Act').*	*02.05.2011*

2	*Date of Notification under Section 6 of the 1894 Act with respect to 663 kanals and 13 marlas land.*	*27.04.2012*	
3.	*656 kanals and 17 marlas land was acquired vide Award No.9*	*30.09.2009*	
4.	*Total land acquired*	*82 acres 17 kanals*	
5.	*Purpose of acquisition*	*For construction of New Grain Market, Village and Tehsil Uchana, District Jind.*	
6.	*Market value assessed in the Award passed by the Land Acquisition Collector (in short 'LAC')*	***Particulars***	***Rate per acre***
		Land upto the depth of two acres adjoining National Highway No.71 (in short 'NH-71') coming from Patiala and going to Jind along with all statutory benefits including 30% solatium, additional amount @ 12% per annum from the date of notification under Section 4 of the 1894 Act till the date of award.	*Rs.38.00 lacs*
		Land beyond the depth from 2 acre from NH-71 along with all statutory benefits including 30% solatium, additional amount @ 12% per annum from the date of notification under Section 4 of the 1894 Act till the date of award.	*Rs.32.00 lacs*
7.	*The Reference Court (in short 'RC') dismissed all the reference petitions.*	*17.10.2016*	

2. <u>Evidences adduced:-</u>

2.1 The following oral and documentary evidence was led by the landowners apart from the sale deeds:-

<u>Oral evidence produced by the landowners</u>:-

Sr. No.	***Witness***
1.	*PW-1 Ram Chander*
2.	*PW-2 Sube Singh*
3.	*PW-3 Balwan*

4.	*PW-4 Yashbir*
5.	*PW-5 Birbal*
6.	*PW-6 Shiv Kumar*
7.	*PW-7 Rajesh*
8.	*PW-8 Balwan*
9.	*PW-9 Ramdiya*
10.	*PW-10 Anil Kumar*
11.	*PW-11 Sajjan Singh*
12.	*PW-12 Rambir*
13.	*PW-13 Mohinder*
14.	*PW-14 Phul Kumar*
15.	*PW-15 Balram*
16.	*PW-16 Sat Kumar*
17.	*PW-17 Krishan Kumar*

Documentary evidence produced by the landowners:-

Sr. No.	***Date***	***Exhibit***	***Nature of document***
1.	*--*	*P-1*	*Jamabandi for the year 2008-09*
2.	*--*	*P-2*	*Statement No.19*
3.	*26.02.2013*	*P-3*	*Award No.9 (impugned award)*
4.	*--*	*P-4*	*Statement of LAC*
5.	*--*	*P-7*	*Statement of LAC*
6.	*--*	*P-8*	*Jamabandi for the year 2008-09*
7.	*22.06.2012*	*P-11*	*Award No.4 for village Khatkar, Tehsil Narwana, Jind (@ Rs.40 Lacs Per acre)*
8.	*12.04.2015*	*P-43*	*Letter by the Govt. to PWD department, wherein 1.38 acre land was approved to be transferred to PWD department for Rs.1.80 crore.*
9.	*01.09.2015*	*P-44*	*Letter by the Govt. regarding the development of New Grain Market, Uchana.*

2.2 On the other hand, RW-1 Sh. Joginder Singh, Secretary, Market Committee, has been examined by the respondents.

3. <u>Arguments addressed:-</u>

3.1 This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

3.2 Learned counsel representing the landowners besides making oral arguments has also submitted a written note of his submissions, which reads as under:-

> "*1. Rajiv Gandhi Nursing College and its Hostel, Vikas Filling Station, Reliance Petrol Pump, New Shekand Dhaba, Pandtan Ka Dhaba, Shokan Dhaba, Mandeep Ka Dhaba, Shokan Poultry Farm, Bartan Factory, Several Godowns were situated on NH-71 known as Jind-Narwana Road, abutting which, the land in question is situated.*
> *2. Out of the acquired land in question, a part of land was transferred to PWD Department wherein 1.38 acre land was transferred to PWD department @ Rs. 1.80 crore on "AS IS WHERE IS BASIS" (Ex. P43 & Ex.P44).*
> *3. As per Site Plan (Ex.P3), the pre-notification sales (Ex.P36, Ex.P36A & Ex.P36D) shown at Sr. No.2 & 3 in the Chart of Sale deeds of Village Uchana Kalan produced on record by appellants, in which Ex.P36D is latest in point of time prior to the date of notification u/s 4 of the Act, both of them would be the most appropriate instances for determination of market value. The location of the land in question as well as that of sale deed (Ex.P36, Ex.P36A & Ex.P36D) is almost similar in as much as both such lands are located alongside or near thereto the Jind-Narwana Road/Jind-Patiala Road. Both the lands i.e. the acquired one as well as that of the sale instances had the urban potential and thus they are comparable. Taking average of (Ex.P36, Ex.P36A & Ex.P36D) and applying a suitable cut on account of smallness of the sale instance and bigness of the size of the acquired land, the market value of the acquired land can be determined at approximately similar such rate at which the land was transferred after acquisition to the PWD Department i.e. Rs. 1.80 Crore per Acre.*"

3.3 On the other hand, learned State Counsel while referring to the layout plan Ex.P-3 has contended that the landowners failed to produce any comparable sale instance, which would prove that the market value assessed by the 'LAC' was not fair, reasonable and appropriate.

4. <u>Analysis and Discussion:-</u>

4.1 On careful study of the layout plan 'Ex.P-3' produced by the landowners, it becomes evident that the land for establishing new grain market was acquired at a distance from residential area of the Sub-Tehsil Uchana. The perusal of the sale deed No.1929, dated 04.09.2012, proves that though there was a Municipal Committee in Uchana, however, it was a Sub-Tehsil and not a full-fledged Tehsil. At the relevant time, Village Uchana was neither a District Headquarter nor a Sub-Division. It was only a village in which Sub-Tehsil was also set up. The village is located on NH-71 between Patiala to Jind. Previously, there was an old grain market at Uchana abutting the railway station. There were two roads going to the railway station as well as old grain market. One was a railway road, which began from the railway station and went towards NH-71. There was another road, which was connected the grain market to NH-71, whereas, now the new grain market is proposed to be set up at a distance of more than one kilometre from the old grain market, which is on the Southern side of old grain market.

4.2 Though, learned counsel for the appellants has submitted that Rajiv Gandhi Nursing College and Hostel, Vikas Filling Station, Reliance Petrol Pump, New Shekand Dhaba etc. are located near the acquired land, however, that is not sufficient to determine the market value of the acquired land.

4.3 At this stage, it would be appropriate to make a tabulated compilation of the sale deeds produced by the appellants/landowners:-

SALE DEED PRODUCED BY THE LANDOWNERS				
Sr. No.	**Exhibits**	**Sale deed Number Date**	**Sale consideration (in Rs.)**	**Rate per acre (in Rs.)**
PRE-NOTIFICATION SALES				
1.	P36F	1174 ------------ 23.07.2004	1,56,000/-	1,45,20,000/-
2.	P36 & P36D	3225 ------------ 08.03.2011	3,00,000/-	2,80,47,800/-
3.	P36A	48 ------------ 21.04.2011	8,00,000/-	1,93,60,000/-
POST-NOTIFICATION SALES				
4.	P35, 36B & P36E	188 ------------- 10.05.2011	8,00,000/-	96,80,000/-
5.	P36C	263 ------------- 17.05.2011	3,06,000/-	96,80,000/-
6.	P30 & P42	2765 ------------- 20.12.2011	5,44,000/-	96,80,000/-
7.	P7, P34 & P41	2822 ------------- 22.12.2011	4,80,000/-	96,80,000/-
8.	P6 & P29	3884 ------------- 31.01.2012	8,52,000/-	1,93,60,000/-
9.	P4, P32 & P40	141 ------------- 24.04.2012	12,32,000/-	1,93,60,000/-
10.	P5, P33 & P38	145 ------------- 24.04.2012	4,26,000/-	1,93,60,000/-
11.	P8, P31 & P39	1929 ------------- 04.09.2012	3,30,000/-	1,45,20,000/-
12.	P9	2753 ------------- 20.12.2012	8,89,000/-	1,93,60,000/-

4.4 The learned counsel for the landowners has also referred to sale deeds No.48, 3884, 141 and 145, which are with respect to shops located on the road going to old grain market. These sale instances are with respect to the parcels of land either for shops or for commercial establishments. 3058 sq. yards plot was sold vide Sale deed No.141, which can be either utilized for constructing a showroom or showroom-cum-residence, whereas, the acquired land was being used for agriculture. The land acquired in these sale instances is at a distance of minimum 24 acres. The length of Eastern and Western arm of an acre is 220 feet wide, whereas, Northern and Southern arm of an acre is 198 feet wide. The land acquired in sale deed No.48, 3884, 141, 145 is at a distance of nearly 1600 yards, which comes to 1.463 kilometre, hence, these sale instances are not comparable.

4.5 Similarly, sale deed Nos.2822 and 2765 are with respect to small parcels of land located on NH-71. Similar is the position of sale deed No.188. These all three sale deeds are of commercial area located near Sai Temple. These are also located at a distance of 17 acres from the acquired land equivalent to 133 yards. These parcels of land are also located a distance of more than one kilometre from the acquired land. Sale deed No.1929 is with respect to parcel of land located on railway road, which is at a distance of 33 acres from the acquired land equivalent to 2200 yards. The distance between the acquired land and parcel of land reflected by sale deed No.1929 is more than two kilometres. For assessing the market value of the acquired land, the landowners are required to produce the sale deeds of contemporaneous period of comparable sale instances. Ordinarily, the area of an acre of land is 4840 sq. yards. It is evident that the sale deeds produced by the landowners are with respect to small parcels of land.

4.6 The last submission of learned counsel for the landowners is with respect to transfer of a part of acquired land to PWD Department for Rs.1.80 Crores vide Ex.P-43 and Ex.P-44. This transfer has been made in the year 2015. The Vth part of Section 24 of the '1894 Act' lays down that such transfers, which reflect increase in the price after the acquisition of land are required to be ignored.

4.7 For better comprehension, Section 24 of the '1894 Act' is extracted as under:-

> ***"24. Matters to be neglected in determining compensation.*** *- But the Court shall not take into consideration -*
>
> *first, the degree of urgency which has led to the acquisition;*
>
> *secondly, any disinclination of the person interested to part with the land acquired;*
>
> *thirdly, any damage sustained by him which, if caused by a private person, would not render such person liable to a suit;*
>
> *fourthly, any damage which is likely to be caused to the land acquired, after the date of the publication of the declaration under section 6, by or in consequence of the use to which it will be put;*
>
> *fifthly, any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired;*
>
> *sixthly, any increase to the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put;*
>
> *seventhly, any outlay or improvements on, or disposal of the land acquired, commenced, made or effected without the sanction of the Collector after the date of the publication of the [notification under section 4, sub-section (1); [or]*
>
> *eighthly, any increase to the value of the land on account of its being put to any use, which is forbidden by law or opposed to public policy."*

5. Decision:-

5.1 Keeping in view the aforesaid discussion, this Court does not find any ground to enhance the market value assessed by the LAC, which was affirmed by the RC.

5.2 Consequently, all the appeals are dismissed.

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

25th April, 2025 **(ANIL KSHETARPAL)**
Ayub **JUDGE**

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

Sr. No.	Case No.	Appellant(s)	Respondent(s)
1.	**RFA-2263-2017**	**SADHU RAM AND ORS.**	**STATE OF HARYANA AND ANR.**
2.	RFA-2264-2017	MANGE RAM AND ORS.	STATE OF HARYANA THR. COLLECTOR, JIND
3.	RFA-2265-2017	BIRBAL & OTHERS	STATE OF HARYANA THROUGH COLLECTOR JIND
4.	RFA-2266-2017	KHAJANI & OTHERS	STATE OF HARYANA THROUGH COLLECTOR JIND
5.	RFA-2267-2017	SHIV KUMAR	STATE OF HARYANA & ANR
6.	RFA-2268-2017	BALWAN AND ORS.	STATE OF HARYANA THR. COLLECTOR, JIND
7.	RFA-2269-2017	SANDEEP & ANR	STATE OF HARYANA THROUGH COLLECTOR JIND
8.	RFA-2270-2017	BALWAN AND ORS.	STATE OF HARYANA THR. COLLECTOR,JIND
9.	RFA-2271-2017	PHUL KUMAR & OTHERS	STATE OF HARYANA THROUGH COLLECTOR JIND
10.	RFA-2274-2017	RAM DHAN AND ORS.	STATE OF HARYANA THR. COLLECTOR,JIND AND ANR.
11.	RFA-2275-2017	SHANTI AND ORS.	STATE OF HARYANA THR. COLLECTOR, JIND & ORS.
12.	RFA-2277-2017	PARTAP & ORS	STATE OF HARYANA & ANR
13.	RFA-2278-2017	ANIL KUMAR AND ORS.	STATE OF HARYANA AND ANR.
14.	RFA-2436-2017	SHEONA DEVI & ORS	STATE OF HARYANA & ORS
15.	RFA-2445-2017	SHEONA DEVI & ORS	STATE OF HARYANA & ORS
16.	RFA-2673-2017	RAJA BALA AND ANR.	STATE OF HARYANA AND ANR.
17.	RFA-2685-2017	RAM DHAN AND ORS.	STATE OF HARYANA THR. COLLECTOR, JIND AND

			ANR.
18.	RFA-3219-2017	SHEONA DEVI & ORS	STATE OF HARYANA & ORS
19.	RFA-1825-2017	SUBE SINGH	STATE OF HARYANA

25th April, 2025 **(ANIL KSHETARPAL)**
Ayub **JUDGE**