
(2004) 08 P&H CK 0012

In the Punjab And Haryana At Chandigarh

Case No : Letters Patent Appeal No. 945 of 1996 in Regular First Appeal No. 1789 of 1988

Bant Singh and Others

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 19-08-2004

Acts Referred:

Land Acquisition Act, 1894 — Section 18, 51A

Citation : (2005) 139 PLR 136 : (2004) 4 RCR(Civil) 564

Hon'ble Judges : V.K. Bali, J;K.S. Garewal, J

Bench : Division Bench

Advocate : O.P. Goyal and Balkar Singh, for the Appellant; Nirmaljit Kaur, Addl. A.G., for the Respondent

Final Decision : Allowed

Judgement

K.S. Garewal, J.—This judgment shall decide the present as well as 11 connected Letters Patent Appeals (LPA 946 to 952 of 1996, LPA No. 1165 of 1996, LPA No. 550 to 552 of 1997) filed under Clause X of Letters Patent against the judgment of the learned Single Judge dated March 12, 1986.

2. These cases relate to acquisition of about 40 acres of land in Neelpur and Saidkheri Tehsil Rajpura at public expense for a grain market. Notification u/s 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the Act) was published on May 2, 1980 followed by declaration u/s 6 of the Act on June 29, 1982. The Land Acquisition Collector awarded compensation for different categories of land at rates ranging from Rs. 15,000/- to 60,000/- per acre. The award of the Collector was challenged by the landowners through references u/s 18 of the Act and the learned District Judge, Patiala, vide award dated July 29, 1988, enhanced market value of the land to relates ranging from Rs. 60,000/- to Rs. 1,70,000/- per acre. Learned Single Judge, vide judgment dated March 12, 1996, scrapped the categorisation adopted by the courts below. However, when the question came to assess market value, the learned Single Judge was pleased

to reject three sale instances (Ex.P12, Ex.P27 and Ex.P37) on the sole ground that these were certified copies of sale deeds and could not be relied upon to determine the market value of the acquired land unless vendors or vendees had been examined as witnesses. Reliance had been placed on Kumari Veeraiah and Others Vs. State of A.P., . The learned Single Judge reduced the compensation to the maximum that had been awarded by the Collector i.e, Rs. 60,000/- per acre for all categories of land. The different rates that had been awarded on the basis of belting were altogether ignored.

3. In appeal it has been argued that the decision in Kumari Veeraiah's case (supra) was not applicable since certified copies of sale deeds can be accepted as admissible evidence u/s 51-A of the Act to prove market value of property. In support of this contention learned counsel has cited Land Acquisition Officer and Mandal Revenue Officer Vs. V. Narasaiah, where it was held that examination of the parties of the sale deed was not essential and consequently, sale instances Ex.P12, Ex.P27 and P37 would have to be taken into consideration.

4. The learned District Judge considered these sale deeds and came to the following conclusions:-

"Out of sale instances relied upon by the claimants sale Ex.P12, Ex.P27 and P37 pertained to the sale of land in village Neelpur i.e. the village where the land has been acquired. Accordingly, they afford a valuable material for assessing the market price of the acquired land. The average price fetched under these sale instances comes Rs. 2,86,738.36."

"Out of these sale-instances it would be seen that sale instance Ex.P12 was of land measuring 1 Bigha 10 Biswas whereas the sale instance Ex.P27 and Ex.P37 pertained to 3-1/2 biswas of land only. As such the sale instance Ex.P-12 and Ex.P27 which are quite relevant to the date of notification as the sale instances depicting the market price of the acquired land and the average price of the two comes to Rs. 2,53,714/- and after applying the usual cost (cut) of 335 (33%) the price comes to Rs. 1,69,142.66 (round figure Rs. 1,70,000/-)."

5. The acquired land was in one compact block of about 40 acres. The learned Single Judge had done away with belting the various categories and quite justifiably so because the valuation of land could not be done in such a way that there would remain variations between different parts of lane within the same block. The learned District Judge fixed the per acre value of land abutting the road at Rs. 1.70 lacs. This rate must necessarily be applicable for the whole of the acquired land. The learned Single Judge also made the evaluation fixed by the Collector for the land abutting on the road applicable for the whole of the acquired land.

6. The evaluation determined by the learned Single Judge has to be enhanced from Rs. 60,000/- per acre to Rs. 1,70,000/- because the basis of rejecting the sale deeds Ex.P12, P27 and P37 was wholly untenable in view of applicability of Section 51-A of the Act.

7. Resultantly, these appeals are accepted and market value of the acquired land is hereby enhanced from Rs. 60,000/- per acre to Rs. 1,70,000/- per acre. The landowner-appellants shall be entitled to all consequential benefits under the law.