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**(2004) 01 P&H CK 0113**

**In the Punjab And Haryana At Chandigarh**

**Case No :** Regular First Appeal No. 131 of 1988

Gopal Paper Mills Ltd.

APPELLANT

Vs

Punjab State thru.the Collector, Hoshiarpur and another

RESPONDENT

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**Date of Decision :** 14-01-2004

**Acts Referred:**

**Citation :** (2003) 2 LJR 306 : (2004) 2 RCR(Civil) 574

**Hon'ble Judges :** Viney Mittal, J

**Advocate :** Mr. Dinesh Nagar, Advocate. Mr. K.K. Goel, Addl. A.G., Punjab.,  
Advocates for appearing Parties

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**Judgement**

Viney Mittal, J. (Oral)

1. Vide notification dated March 26, 1984, land measuring 2 acres 1 kanal and 8 marlas in Village Sutehri was acquired for a public purpose. The learned Land Acquisition Collector assessed the market value of the acquired land @ Rs. 1,524/ per marla i.e. Rs. 2,43,840/ per acre.

2. The claimant land owner was not satisfied and claimed a reference. The matter was accordingly referred under Section 18 of the Land Acquisition Act.

3. During the course of proceedings before the learned reference Court, the claimant land owner relied upon the documents Exhibit P3 to P8, which were the mutations of various sale deeds, Exhibit P9 is the statement of average sale price. All the aforesaid documents were not relied upon by the learned District Judge.

4. It is apparent from the perusal of the award passed by the learned District Judge that the parties had led evidence only by way of mutations. In view of the settled law by the Full Bench of this Court in the case of Ramji Lal v. State of Haryana, 1997(4) RCR(Civil) 697 (P&H) : 1998(2) LAC 220 and State of Punjab v. Pohu and others, 1986 RRR 228 (P&H) : 1985 PLJ 583, the mutations are not admissible in evidence with regard to the sale transactions and cannot be relied upon to determine the market value of the acquired land.

5. Faced with this difficulty, learned counsel for the appellant prays that in view of the change of law during the course of proceedings, the matter be remitted back to the learned reference Court for a fresh decision in accordance with law.

6. I find that the prayer made by learned counsel for the appellant deserves to be accepted.

7. The law with regard to acceptance of mutations as a piece of evidence to determine the market value of the acquired land, has since undergone change, inasmuch as now this Court has authoritatively settled that the said mutations could not form any substantive piece of evidence to determine the market value or to show the sale consideration of various sale instances.

8. Accordingly, the present appeal is allowed and the award dated October 26, 1987 passed by the learned District Judge, Hoshiarpur is set aside. The matter is remanded back to the learned District Judge, Hoshiarpur for a fresh decision, in accordance with law. The parties to reference shall be at liberty to adduce a fresh evidence in accordance with law.

The learned District Judge, Hoshiarpur may, either keep the case with himself, or may allocate the same to a Court of competent jurisdiction.

Since the matter has become quite old, therefore, learned reference Court shall now decide the matter as expeditiously as possible and in any case within one year from the date parties put in appearance. For that purpose, the parties would be directed by the learned reference Court to adduce their evidence at their own responsibility and without the assistance of the Court.

The parties, through their learned counsel, are directed to appear before the learned District Judge, Hoshiarpur on March 5, 2004.