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**(2009) 04 P&H CK 0150**  
**In the Punjab And Haryana At Chandigarh**

Harnam Singh

APPELLANT

Vs

The Land Acquisition Collector and Another

RESPONDENT

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**Date of Decision :** 24-04-2009

**Acts Referred:**

Land Acquisition Act, 1894 — Section 18, 4

**Citation :** (2010) 158 PLR 648

**Hon'ble Judges :** Rajesh Bindal, J

**Bench :** Single Bench

**Final Decision :** Allowed

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## Judgement

Rajesh Bindal, J.—This order shall dispose of Regular First Appeal No. 1594 to 1596 and 2079 of 1993 filed by the landowners for further enhancement of compensation for the acquired land. All these appeals are taken up together as the same arise out of common acquisition. The facts have been noticed from RFA No. 1594 of 1993.

2. Briefly, the facts of the case are that the State of Punjab vide notification dated 15/16.3.1988 issued u/s 4 of the Land Acquisition Act, 1894 (for short, "the Act") acquired land within the revenue estate of Village Mamdot Uttar, Tehsil and District Ferozepur, for extension of existing BSF Headquarters. The Land Acquisition Collector (for short, "the Collector") vide his award dated 31.1.1990 determined compensation @ Rs. 25,000/- per acre for chahi/nehri, and Rs. 50,000/- per acre for gair mumkin kind of land. Dissatisfied with the award of the Collector, the landowners/claimants filed objections. On reference u/s 18 of the Act, the learned court below vide judgment dated 7.1.1993, upheld the award of the Collector.

3. Learned Counsel for the landowners submitted that the court below has totally failed to appreciate the evidence led by diem in its true letter and spirit. The sale-deeds Ex. A2 to A5 produced by them on record have been totally ignored. It had failed to appreciate the fact that the land in question is located adjoining to the

already existing BSF Complex as the same was acquired for extension thereof. It is located on Ferozepur-Mamdot Road. Further it falls on both sides of the road. Abadi of Village Mamdot was also located close by. There was service station, shops, police station, veterinary hospital, civil hospital, school, etc. in the vicinity of the acquired land. It had great potential for being urbanised as this portion of land was located between the abadi of the village and already developed BSF complex. The submission is that considering the strategic location of the land, sale-deeds produced by the landowners should have been relied upon and the compensation as was determined to be payable by the Collector deserves further enhancement. Vide sale-deed, Ex.A2, registered on 27.1.1987, a plot of 5 marlas was sold at an average price of Rs. 3,20,000/- per acre. Vide registered sale-deed Ex.A3, which was executed on 24.11.1987, a plot measuring 5 marlas was sold at an average price of Rs. 4,80,000/- per acre. The other sale-deeds, Ex.A-4 and A-5, were registered on 28.11.1984 vide which land measuring 18 kanals 18 marlas, and 12 kanals and 14 marlas was sold to the Punjab Warehousing Corporation at an average price of Rs. 50,000/- per acre. He submitted that the aforesaid sale-deeds shows the trend of prices in the area. The acquisition having been made on 15/16.3.1988, the landowners even deserve further increase.

4. No one has appeared for the respondents.

5. In the evidence led by the landowners, following four sale-deeds have been produced:

| Exhibit | Area sold | Value          | for which | Date of sale | Per acre value | No. K-M property |
|---------|-----------|----------------|-----------|--------------|----------------|------------------|
| A-2     | 0-5       | Rs. 10,000/-   |           | 27-1-1987    | Rs. 3,20,000/- | A-3 0-5          |
| A-3     | 0-5       | Rs. 15,000/-   |           | 24-11-1987   | Rs. 4,80,000/- | A-4 18-18        |
| A-4     | 18-18     | Rs. 1,18,125/- |           | 28-11-1984   | Rs. 50,000/-   | A-5 12-14        |
| A-5     | 12-14     | Rs. 79,375/-   |           | 28-11-1984   | Rs. 50,000/-   |                  |

6. The aforesaid sale-deeds have not been located on any of the site plans produced on the record. A perusal of sale-deed, Ex.A-2, shows that the same is located on a road. It is a small plot of 5 marlas of land only. A perusal of Ex.A-3 which is again for 5 marlas of land is also stated to be located on the road.

7. As far as Ex.A-4 and A-5, are concerned, a perusal thereof shows that it is purchase of a big chunk of land measuring 18 kanals 18 marlas and 12 kanals 14 marlas vide two separate registered sale-deeds, executed on 28.11.1984, in favour of Punjab Warehousing Corporation. It may be relevant to mention here that this is chahi kind of land. The land is pertaining to revenue estate of Village Mamdot Uttar. A perusal of the site plan, Ex.P-1 shows that the police station, school, veterinary hospital, civil hospital, have been shown quite close to the acquired land in between portion upto the abadi of the village. All these factors lead to a conclusion that it is a big village which was having so much facilities at that time. The purchase of land by Punjab Warehousing Corporation for construction of godowns way back in the year 1984 is also corroborative of this fact. Another factor of which this Court can take judicial notice of, is that a big chunk of land, which was purchased by Punjab Warehousing Corporation for

construction of godowns, would certainly be on some road. The land in question is also located on two sides of Mamdot-Ferozepur Road.

8. Considering the aforesaid facts, in my opinion, the sale-deeds Ex.A4 and A5 are certainly relevant for the purpose of determination of fair value of the acquired land. The, value as is shown therein is Rs. 50,000/- per acre on 24.11.1984. The acquisition in the present case being about three years thereafter even for the intervening period also the landowners are entitled to some increase. In my opinion, a sum of Rs. 10,000/- per acre for a period of three years and four months is a reasonable amount.

9. Accordingly, the appeals filed by the landowners are allowed and the value of the acquired land is determined at Rs. 60,000/- per acre for the entire land. The landowners shall also be entitled to all statutory benefits available under the Act.