
(2008) 08 P&H CK 0079
In the Punjab And Haryana At Chandigarh

Karan Singh (Dead) through his LRs and Others	APPELLANT
Vs	
State of Haryana and Another	RESPONDENT

Date of Decision : 22-08-2008

Acts Referred:

Land Acquisition Act, 1894 — Section 18, 4, 6

Citation : (2008) 152 PLR 409 : (2009) 1 RCR(Civil) 193

Hon'ble Judges : Rakesh Kumar Jain, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rakesh Kumar Jain, J.—This judgment shall dispose of R.F.A. Nos. 2708 to 2714 of 1990, 193, 194, 245 to 247 of 1991 and 3022 of 1992 filed by the appellants-claimants/land-owners as common questions of law and facts are involved in the same.

2. An area measuring 40 acres 1 Kanal 16 marlas of land situated in the revenue estate of Village Meghpur, Hadbast No. 32, Tehsil Palwal, District Faridabad was notified by the Haryana Government, for acquisition for public purpose, namely the construction of 220 K.V. Sub-station, Palwal, u/s 4 of the Land Acquisition Act (for short "the Act") dated 16.4.1987, published in the official gazette on the same date followed by declaration u/s 6 of the Act dated 4.6.1987.

3. District Revenue Officer-cum-Land Acquisition Collector, Faridabad, found the acquired area to be 310 Kanals and 17 marlas, which comprises of Chahi : 300 Kanals 17 Marlas, Banjar Kadeem: 0 Kanal 2 marlas and Gair Mumkin: 9 kanal 8 marlas.

4. Vide his award No. 4/15.10.1987, the Collector compensated the land owners by giving Rs. 40,000/- per acre for Chahi, Rs. 20,000/- per acre for Banjar Kadeem, and Rs. 15,000/- per acre for Gair Mumkin.

5. The land owners were unsatisfied with the quantum of compensation,

therefore, they applied to the Collector u/s 18 of the Act, which was referred to the Civil Court where in the claim petitions, it was alleged that the acquired land is situated on the Palwal Sohna metalled road; that Palwal is Sub Division Headquarter and is a fast developing town; that the acquired land has high potential value being suitable for residential and industrial purposes and the distance of the acquired land from Palwal town is about two kilometers. The claimants accordingly prayed Rs. 7 lacs per acre as compensation for the acquired land.

6. The State of Haryana, contested the claim alleging that value that has been assessed by the Collector is after taking into consideration the potential value of the acquired land and all other allied factors.

7. Both the parties led oral as well as documentary evidence.

8. The claimants have relied upon three sale deeds, which is tabulated as under:

Village & Ex.	Date of Sale	Area sold	Sale consideration	Average rate	Palwal K-M
per-acre Ex.P-1	17.9.1987	0-7	Rs. 26,300/-	Ex.P-2	Dholagarh 2-0
25.3.1987	Ex.PQ	Lalwa 1-13	Rs. 17,000/-	8.4.84	

The claimants have further relied upon three agreement to sell Ex.PW-3/1, Ex.PW-3/3 and PW-2/1 and photo copy of certified copy of the judgment dated 11.7.1979 Mark-A of the High Court relating to acquisition of land in the township of Palwal for construction of residential accommodation purposes of the employees of the Haryana State Electricity Board, pertaining to the notification dated 7.11.1972 issued u/s 4 of the Act in which compensation @ Rs. 10/- per square yard was maintained in appeal. On the other hand, the State of Haryana relied upon three sale deed of village Meghpur, which are tabulated as under:

Ex.	Date of Sale	Area sold	Sale consideration	Average rate	K-M	per-acre
Ex.R-1	19.11.984	5-17	Rs. 15,000/-	Rs. 20,512/-	Ex.R-2	18.5.85
					26-13	Rs. 72,000/-
			Rs. 21,613/-	Ex.R-3	8.8.86	23-13
						Rs. 1,00,000/-
						Rs. 33,826/-

The reference Court, vide its impugned award, assessed the compensation @ Rs. 50,000/- in respect of four killa Nos. 9/2, 1/1, 25/1 and 17/2 abutting Sohna-Palwal road and Rs. 45,000/- per acre for rest of the land.

9. Mr. R.S. Sihota, Senior Counsel appearing for the appellants argued that it has come on record in the statement of PW-1 Duli Chand that Palwal is a fast developing town and the land in question being adjacent to it has a great potential value. He is at pains to argue that the Reference Court has erred in not appreciating the evidence led by the land owners in the shape of sale deeds which pertains to the revenue estate adjoining the revenue estate of Village Meghpur also, the agreement to sell and the decision of the High Court dated 11.7.1979 Mark-A, where rate of Rs. 10/- per square yard was fixed for township of Palwal in the year 1972.

10. On the other hand, counsel for the respondents-State has argued that Court

below has relied upon the sale deeds produced on the record which relates to village Meghpur and has already given an appreciation while determining market value. It is argued by Mr. H.S. Hooda, Advocate General, Haryana that sale deeds Ex.R-1 to Ex.R-3 are relating to big chunk of land unlike the sale deeds produced by the appellants. It is also submitted by him that if price in the year 1985 was Rs. 21,613/- for 26 kanals 13 marlas, rose up to Rs. 33,826/- in the year 1986 with an increase of about Rs. 12,000/-, then the Reference Court has already given another increase of another Rs. 12,000/- for the acquisition of 1987 and with that the compensation to the tune of Rs. 45,000/- per acre and an additional sum of Rs. 5,000/- per acre has been awarded for four kills of land which were pertaining to Sohna-Palwal Road. It was then argued that there is no error in the judgment of the Reference Court which calls for any interference and it is thus prayed that the appeals be dismissed.

I have heard learned Counsel for the parties and have perused the record.

11. So far as the sale deeds Exs.P1, P-2 and PQ are concerned, those have been rightly not taken into consideration by the Reference Court because Ex.P-1 relates to a small piece of land measuring 7 marlas only which is situated within the municipal limits of Palwal town, Ex.P-2 relates to land of village Dholagarh and Ex.PQ relates to village Lalwa, while the present acquisition relates to village Meghpur.

So far as the agreements to sell are concerned, those have also not been found to be genuine transaction as sizeable considerable part was alleged to have been advanced at the time of execution of agreement but the sale deeds were not made. It was also found that the sale deeds which had great value pertaining to sale transaction of village Meghpur were withheld by the claimants but the same were relied upon by the State.

12. So far as the judgment Mark-A is concerned, that cannot be made the example for the assessment of compensation as it relates to the acquisition of village Palwal Town, where purpose was for residential accommodation for the employees of the Haryana State Electricity Board.

13. On the other hand, sale deeds Exs.R-1 to R-3 relied upon by the respondents-State pertaining to the same Village Meghpur and are of different years showing the gradual rising trend in the market value. There was an increase of about Rs. 12,000/- in the years 1985-86 for the sale of almost similar size of land because in the year 1985, 26 kanals 13 marlas of land was sold @ Rs. 72,000/- which comes to Rs. 21,613/- per acre, in the year 1986, 23 kanals 13 marlas was sold for Rs. 1,00,000/- which comes to Rs. 33,826/- per acre, whereas the Collector had given Rs. 40,000/- per acre which has been rightly enhanced by the reference Court to the tune of Rs. 45,000/- per acre by giving another increase of Rs. 12,000/- for the period 1986-87 as the present acquisition of 16.4.1987.

14. Counsel for the appellants has also argued that the reference Court should have given the uniform rate of Rs. 50,000/- for the entire acquired land instead

of award of Rs. 50,000/- for four killas of land which are abutting Sohna-Palwal road. Counsel has also relied upon a Division Bench judgment of this Court in the case of Bimla Rani v. Land Acquisition Tribunal, Kapurthala (2007) 148 P.L.R 598 and while opposing the same, counsel for the respondents has relied upon Union of India and others etc. Vs. Mangatu Ram, etc., .

15. In Bimla Rani's Case (Supra), it is an admitted fact that land in question was located within the municipal area, therefore, location and surrounding of the land was similar and there was no justification for segregation of the land into different belts. In the present case, the land is not within the municipal area and is in the revenue estate of a village through which Palwal-Sohna road crosses where 4 killas of land about on the metalled road. Therefore, in view of Mangatu Ram's case (supra), the Court below has rightly assessed the market value by making belt i.e. Rs. 50,000/- per acre for four killas of land for Sohna Palwal metalled road and Rs. 45,000/- per acre for rest of the land.

In view of the above, I do not find any error in the judgment of the Reference Court. Therefore all the appeals filed by the claimants/landowners are hereby dismissed. There shall, however, be no order as to costs.