(2025) 10 SHI CK 1317

In the High Court Of Himachal Pradesh

Case No : Regular First Appeal No. 20, 215 Of 2016

Land Acquisition Collector HPPWD (South Zone) & Other — APPELLANT

Vs

Pratap Singh And Others — RESPONDENT

Date of Decision : 30-10-2025

Acts Referred:
Land Acquisition Act, 1894 — Section 4, 6, 7, 9(3), 9(4), 18, 23(1A), 23(2)

Citation : (2025) 10 SHI CK 1317

Hon'ble Judges : Sushil Kukreja, J

Bench : Single Bench

Advocate : Manoj Chauhan, Ankush Thakur, Archana Negi, Balvinder Singh, Vinod Sharma, Mamta K. Bhatwan

Final Decision : Dismissed

Judgement

Sushil Kukreja, J

1. Since both these appeals are offshoots of impugned award dated 11.12.2014, passed by learned District Judge, Solan, Himachal Pradesh (hereinafter referred to as "the learned Reference Court"), in LAC Petition No. 3-S/4 of 2011, they are taken up together for consideration and disposal.

2. The brief facts of the case are that the land of the petitioner/claimant Shri Partap Singh (appellant in RFA No. 215 of 2016 and respondent in RFA No. 20 of 2016), situated in village Nataila, Tehsil Kandaghat, District Solan, was acquired by the State Government for public purpose, i.e, for construction of Sayari Danwati road and to this effect notification under Section 4 of the land Acquisition Act (for short "the Act") was published in State Rajpatra on 25. 09.2008 and in two daily news papers, i.e., Amar Ujala and Hindustan times on 27.09.2008 and 16.10.2008, respectively, vide publicity whereof was made in the locality on 05.11.2008. Notification under Sections 6 and 7 of the Act was issued on 20.02.2009, which was published in State Rajpatra on 25.02.2009 and in two daily newspapers, i e , Indian Express and Apka Faisla on 13.03.2009, wide

publicity whereof was made in the locality on 27.03.2009. Thereafter, the notices under Section 9(3) and (4) of the Act were served upon the concerned persons requiring their appearance before the Collect r n 25.11.2009 and in sequel thereto the petitioner appeared before the Collector and sought compensation for the uprooted trees as well as for the crops. The collector, after conducting inquiry, assessed the market value of the acquired land as under:

1. Bangar-1Rs.1,55,000/- per biswa

2. Bangar-II Rs.1,10,000/- per biswa

3. Chasni Rs.7,500/- per biswa

3. Thereafter, the Collector awarded the compensation whereby benefit of 12% additional amount was also given alongwith 30% solatium on the market value of the land under Sections 23(1-A) and 23(2) of the Act.

4. The petitioner/claimant, feeling aggrieved and dissatisfied with the above award, preferred petition under Section 18 of the Act with the prayer that the matter be referred to learned Reference Court for enhancement of compensation.

5. The learned Reference Court, allowed the petition of the petitioners and held them entitled for enhanced compensation at the rate of Rs.1,55,000/- per biswa qua the land acquired for all the categories. In addition to the above, the petitioner was also held entitled to solatium, additional compensati n and interest. Hence, the petitioner-Pratap Singh preferred he appeal (RFA No. 215 of 2016) with a prayer to enhance the awarded amount of compensation, where the Land Acquisition Collector preferred the appeal (RFA No. 20 of 2016) with a prayer to set -aside the impugned award passed by the learned Reference Court.

6. I have heard the learned Additional Advocate General/learned Counsel for the respective parties and also gone through the records.

7. Learned Additional Advocate General contended that the impugned award is wrong and illegal. He further contended that the learned Reference Court had wrongly appreciated the material on record and wrongly assessed the market value of the acquired land @ Rs.1,55,000/- per biswa. Lastly, he submitted that the appeal (RFA No. 20 of 2016) be allowed and award dated 11.12.2014 passed by the learned Reference Court be set-aside.

8. Conversely, learned counsel for claimant contended that the learned Reference Court had wrongly assessed the value of the land @ Rs.1,55,000/- per biswa qua all categories of the land acquired land and it was not taken into consideration that the land of the petitioner/claimant was Banger -I and Banger-II and ghasni.

He further contended that the market value of the acquired land at the time of iss ance of notification under Section 4 of the Act was m re than rupees one crore per bigha. He also contended that the acquired land was surrounded by industries etc. and it was well connected to the National Hig way, therefore, it was valuable land. Lastly, he prayed that the appeal (RFA No. 215 of 2016) be allowed and the impugned award passed by the learned Reference Court be modified and the amount of compensation be enhanced.

9. It is a settled law that where the entire area is similarly situated, the value of the land under acquisition is to be assessed as a single unit irrespective of its classification and nature ignoring the purpose to which it was being put prior to the acquisition, as well as to the one it is likely to be put thereafter. In Gulabi & etc. vs. State of H.P., AIR 1998 HP 9, it has been held as under:

"As a result of this discussion it is held that the market value of the land on the date of acquisition is Rs.4,000/- per biswa In this context it is further held that the value of the land under acquisition is to be assessed irrespective of its classification and nature ignoring the purpose to which it was being put prior to the acquisition, as well as to the one it is likely to be put thereafter, Consequently, the appellants are held entitled to compensation at the rate of Rs. 4,000/- per biswa uniformally for all qualities of land and it is ordered accordingly. In taking this view, we are guided by the judgment of the Hon''ble Apex Court reported in Bhagwathula Samanna and others Vs. Special Tahsildar and Land Acquisiti n Officer, Visakhapatnam Municipality, and the relevant abstracts fr m the said judgment are as under (paras 7, 11, 13):--

"In awa ding compensation in acquisition proceedings, the Court has necessarily to determine the ma ket value of the land as on the date of the relevant Notification. It is useful to consider the value paid for similar land at the material time nder genuine transactions. The market value envisages the price which a willing purchaser may pay under bona fide transfer to a willing seller. The land value can differ depending upon the extent and nature of the land sold. A fully developed small plot in a important locality may fetch a higher value than a larger area in an undeveloped condition and situated in a remote locality. By comparing the price shown in the transactions all variables have to be taken into consideration. The transaction in regard to smaller property cannot, therefore, be taken as a real basis for fixing the compensation for larger tracts of property. In fixing the market value of a large property on the basis of a sale transaction for smaller property, generally a deduction is given taking into consideration the expenses required for development of the larger tract to make smaller plots within that area in order to compare with the small plots dealt with under the sale transaction.

The principle of deduction in the land value covered by the comparable sale is thus adopted in order to arrive at the market value of the acquired land. In applying the principle it is necessary to consider all relevant facts. It is not the extent of the area covered under the acquisition, the only relevant factor. Even in the vast area there may be land which is fully developed having all amenities and situated in an advantageous position. If smaller area within the large tract is already developed and suitable for building purposes and have in its vicinity roads, drainage, electricity, communications etc., then the principle of deduction simply for the reason that it is part of the large tract acquired, may not be justified.

The proposition that large area of land cannot possibly fetch a price at the same rate at which small plots are sold is not absolute proposition and in given circumstances it would be permissible to take into account the price fetched by the small plots of land. If the larger tract of land because of advantageous position is capable of being used or the purpose for which the smaller plots are used and is also situated in a developed area with little or no requirement of further development, the principle of deducti n f the value for purpose of comparison is not warranted.

In the instant case it has been satisfactorily shown on the evidence on record that the land has facilities of oad and other amenities and is adjacent to a developed colony and in such circ mstances it is possible to utilize the entire area in q estion as house sites. In respect of the land acq ired for the road, the same advantages are available and it did not require any further devel pment. Therefore, no deduction could be made n ground, that large tract of land is required.”

10. In Land Acquisition Officer vs. L Kamalamma (1998) 2 SCC 385, H.P. Housing Board vs. Ram Lal & others 2003(3) Sim.L.C. 64, Executive Engineer & Anr. Vs. Dilla Ram Latest HLJ 2008 (HP) 1007) it was held that when the entire land acquired belongs to one block, classification of the same into different categories is not reasonable. In case acquired land is to be used/developed as a single unit for a purpose having no relevancy with quality of land, the classification of land completely loses its significance.

11. Therefore, in view of the aforesaid authoritative pronouncements of law, the contention of the learned Additional Advocate General that the learned Reference Court has erred in awarding uniform rate for the entire land by ignoring the classification and nature of the land deserves to be rejected, as in the instant case also the land has been acquired as the single unit for the public purpose, i.e., for construction of Sayari Danwati road.

12. In the case on hand, he Land Acquisition Collector had assessed the ma ket value of the land, i.e., Bangar-1 @ 1,55,000/- per biswa, therefore, considering the settled position of law, the learned Reference Court had rightly assessed the market value of the land at the flat and uniform rate of Rs.1,55,000/- per biswa, irrespective of the classification and category of the acquired land.

13. Learned Additional Advocate General for the appellant next contended that the learned Reference Court had failed to consider the fact that the land in question was acquired for construction of Sayari Danwati road benefitting people of the area, therefore some reasonable deduction should have been made from the amount of compensation to be paid to the land owners. However, this contention of the learned Additional Advocate General is devoid of any force as it is a settled law that the deduction will not be permissible where the purpose of acquisition of the land is for the construction of road, rail track or any other

purpose relatable to the public at large, without any component of profit or loss. In The Land Acquisition Collector vs. Bangalu @ Daulat Ram, 2025 (1) Shim. LC 146, it has been held that the deduction will not be permissible where the purpose of acquisition of land is for the cons ruction of road, rail track or any other purpose relatable to the public at large, without any component of profit or loss. The relevant portion of the aforesaid judgment is as under:

"11. The contention of the learned Deputy Advocate General that standard deduction was required to be made from the flat rate of Rs.8,50,000/- per bigha, is devoid of any merits. This Court in number of judgments has consistently taken a view that the deduction will not be permissible where the purpose of acquisition of land is for the construction of road, rail track or any other purpose relatable to the public at large, without any component of profit or loss."

14. In the instant case also, since the land has been acquired for a public purpose, i.e., for construction of Sayari Danwati road, relatable to the public at large, therefore, no deduction will be permissible.

15. The learned counsel for the claimant contended that on the basis of oral and documentary evidence, it is clear that the market value of the acquired land at the time of issuance of notification under Section 4 of the Act was more than rupees one crore per bigha. However, the perusal of the record clearly shows that there is no evidence on record, except the self serving and uncorroborated statement of the claimant that the market value of the acquired land at the time of issuance of notification under Section 4 of the Act was more than rupees one cr re per bigha, also there is nothing on record to fortify such plea of the claimant. In fact, the claimant had failed to b ing on record any evidence, i.e., sale-deeds qua the period in question or any other material demonstrating the value of the acquired land to be rupees one crore per bigha, as contended by the learned counsel for the claimant. Therefore, in the absence of any documentary evidence, the sole uncorroborated statement of the claimant cannot be relied upon and it cannot be made basis to hold that the market value of the acquired land was more than rupees one crore per bigha at the time of issuance of notification under Section 4 of the Act.

16. Hence, in view of what has been discussed hereinabove and also considering the above stated settled principles of law, no interference is required in the impugned award, dated 11.12.2014, passed by learned District Judge, Solan, H.P..

17. The instant appeals, being devoid of merits, deserve dismissal and are accordingly dismissed application(s), if any, shall also stand(s) disposed of.

