
(2009) 03 P&H CK 0090
In the Punjab And Haryana At Chandigarh

Rajinder (deceased) through L.Rs. and Others	APPELLANT
Vs	
The State of Haryana	RESPONDENT

Date of Decision : 30-03-2009

Acts Referred:

Land Acquisition Act, 1894 — Section 4

Citation : (2009) 03 P&H CK 0090

Hon'ble Judges : Rajesh Bindal, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rajesh Bindal, J.—This order will dispose of a bunch of 8 appeals, as the same arise out of a common acquisition.

2. The land owners are in appeal seeking further enhancement of compensation for the acquired land.

3. The facts have been extracted from R.F.A. No. 2828 of 1994.

4. Briefly, the facts are that land measuring 3.84 acres, situated in village Satrod Khas, District Hissar was acquired vide notification dated 22.5.1981 issued u/s 4 of the Land Acquisition Act, 1894 (for short, 'the Act') for construction of MES Minor. The Land Acquisition Collector (for short, 'the Collector') awarded a sum of Rs. 26,950/- per acre for Nehri land and Rs. 24,200/-per acre for Chahi land. Aggrieved against the same, the land owners filed objections which were referred to the learned Additional District Judge, Hissar, who keeping in view the material placed on record by the parties, upheld the award of the Collector.

5. Learned Counsel for the land owners submitted that the learned court below has failed to appreciate the evidence led by the land owners on record while assessing the compensation for the acquired land. It was submitted that the land was located quite close to National Highway-10. Sale deed (Ex. P16) produced on record by the land owners, whereby 2 kanals and 15 marlas of land was sold for

a sum of Rs. 40,000/- on 5.1.1978 was not considered at all. He further submitted that even sale deeds (Ex. P8 to Ex. P10) were not given due weightage. It was submitted that the said sale deeds should have been considered by the learned court below as the same were registered before the pronouncement of award by the Collector. Still further, reliance was placed upon judgment (Ex. P13), whereby this Court for acquisition of land vide notification dated 18.6.1984 for setting up of Cantonment determined the compensation at Rs. 1,05,000/- per acre. It was submitted that a reasonable cut can be applied therein, as there cannot be so much of difference in the value of land acquired vide notification dated 22.5.1981 in the present case and merely 3 years thereafter. Finally, it was submitted that categorisation of land as Chahi and Nehri was not called for as both were producing similar type of crops and accordingly, should have been assessed at the same rate.

6. On the other hand, learned Counsel for the State submitted that the land is located far off from the National Highway. It was acquired for the purpose of construction of MES Minor. The acquisition was merely for 3.84 acres of land. The State had produced on record sale deeds (Ex. D.3 and Ex. D.5) whereby consideration paid for the sale of the land located quite close to the acquired land was much less than the award of the Collector. In fact, the Collector was quite generous in awarding compensation to the land owners, which was more than the value in the area. He further submitted that reliance on sale deed (Ex. P16) is totally uncalled for at this stage for the reason that the same was not pressed before the learned court below.

7. Heard learned Counsel for the parties and perused the relevant referred record.

8. As far as location of the land is concerned, it has come on record that the same is situated at a distance of 25 acres from NH-10. It was acquired for construction of MES Minor linked with Bal Samadh Distributory.

9. As far as reliance on sale deeds (Ex. P8 to Ex. P10) is concerned, the learned court below had dealt with the same in paragraph 13 of the impugned award and rightly opined that the same could not be considered for the purpose of determination of fair value of the acquired land for the reason that all the sale deeds were registered after the issuance of notification u/s 4 of the Act. The contention of learned Counsel for the land owners that these should have been considered having been registered before the announcement of award by the Collector, is totally misconceived as for the purpose of determination of fair value of the acquired land, the value has to be determined on the date of publication of notification u/s 4 of the Act and it is not safe to rely upon any sale deeds which are subsequent in time.

10. As far as reliance on sale deed (Ex. P16) is concerned, the same is also not relevant for the purpose of determination of fair value of the acquired land for the reason that firstly as is noticed in paragraph 9 of the impugned award, learned Counsel for the land owners in the court below had placed reliance upon

only sale deeds (Ex. P8 to Ex. P10). Accordingly, once no other sale deed was relied upon before the learned court below, the same cannot be referred to before this Court to impugn the award based thereon. Further a perusal of the sale deed shows that it was purchased for some industrial purpose and the location thereof is on road. The acquired land is located 25 acres away from the National Highway. Accordingly, the value, as is shown therein, cannot be said to be for a comparable piece of land which can be relied upon for the purpose of determination of fair value of the acquired land.

11. Finally, what is left is award (Ex. P13) pertaining to the acquisition of land for Hissar Cantonment. Firstly, the acquisition was 3 years later in time and secondly, there is no site plan on record to show the comparability of the land in the two acquisitions. Accordingly, the same also cannot be said to be a safe basis for the purpose of determination of value of the acquired land in the present case.

12. As regards change in the categories of land also and holding the entire chunk to be Nehri, I do not find any reason to interfere with the impugned award even on that ground. As the Collector had determined the quality of the land on the basis of revenue record, nothing has been produced on record to suggest that the finding so recorded by the Collector is perverse.

13. For the reasons mentioned above, I do not find any merit in the present appeals. Accordingly, the same are dismissed.