
(2011) 03 P&H CK 0726

In the Punjab And Haryana At Chandigarh

Case No : Regular First Appeal No. 2565 of 2009 (O and M)

State of Haryana and Another

APPELLANT

Vs

Smt. Paramjeet Kaur and Others

RESPONDENT

Date of Decision : 23-03-2011

Acts Referred:

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

Citation : (2011) 03 P&H CK 0726

Hon'ble Judges : Rajesh Bindal, J

Bench : Single Bench

Judgement

Rajesh Bindal, J.—This order shall dispose of appeals bearing RFA Nos. 2565 to 2585, 3263 to 3271, 3275 to 3277, 3355 to 3362 of 2009, as common questions of law and facts are involved in these appeals.

2. The landowners are seeking enhancement of compensation for the acquired land whereas by filing appeals the State of Haryana is seeking reduction thereof.

3. The bunch of appeals pertain to the valuation of land acquired for construction of BML Hansi Branch-Bhutana Branch Multipurpose Link Channel from RD 0-91000 off taking RD 340300 L Bhakra Main Line vide notification dated 18.8.2005 issued u/s 4 of the Land Acquisition Act, 1894 (for short "the Act") by the State of Haryana, situated within the revenue estate of village Azimgarh, Hadbast No. 3, Tehsil Ghula, District Kaithal. Notification u/s 6 of the Act was issued on 13.9.2005. The Land Acquisition Collector (for short "the Collector") vide award dated 27.12.2005 assessed the market value of the acquired land @ Rs. 7,50,000/-per acre for nehri and chahi and Rs. 15,00,000/-per acre for gair mumkin kind of land. The land owners being dissatisfied with the award of the Collector filed objections which were referred to the learned Court below. On reference u/s 18 of the Act, the learned Court below assessed the compensation of the acquired land @ Rs. 9,00,000/-per acre for chahi/ nehri and upheld the compensation regarding gair mumkin kind of land vide award dated 2.1.2009. Aggrieved against the award of the learned court below, both the parties are in

appeal before this Court.

4. Learned Counsel for the landowners submitted that the learned court below has not awarded just and fair compensation for the acquired land. The sale-deeds, Ex. P-3, and Ex. P-5 to Ex. P7, produced by the landowners on record were not considered while determining market value of the acquired land. It was submitted that as per site plan, Ex. P-1, village Azimgarh is situated at the boundary line of Punjab and Haryana State. Industrial town Samana is in the close proximity. This village is developing like a city. Various industrial units and petrol pumps are located in the area. It was further submitted that the value of the acquired land was not less than Rs. 2,000/- per square yard.

5. Learned Counsel for the landowners further submitted that due to construction of channel the land of the landowners has been divided into two parts but only those landowners have been awarded Rs. 50,000/-per acre, who appeared as witnesses and rest of the landowners have not been awarded any amount on account of severance.

6. Learned Counsel for the State submitted that learned Court below has not given any reasoning while determining the amount of compensation payable for the acquired land which was being used only for agricultural purposes. The evidence led by the State was totally ignored. He further argued that the value of the land of each area is different keeping in view the location and other advantages. But in the present case, the learned court below without there being any site plan produced on record by the land owners assessed the compensation for the acquired land. State was quite generous while assessing the value of the acquired land @ Rs. 7,50,000/-per acre for the chahi/nehri kinds of land, otherwise the value of the land in the area was not as such which was awarded by the learned court below. The prayer was for restoration of award of the Collector.

7. Heard learned Counsel for the State and perused the paper-book.

8. The facts which are not in dispute are that the village Azimgarh is situated at the border of Punjab and Industrial town Samana is in the close proximity. Some Industrial units are also located in the Haryana area. In their evidence to show the value of the land, the landowners have produced on record, sale-deeds, Ex. P3 to Ex. P-7, and the State has produced Ex. RW1/A. The detail of the sale-deeds produced on record by the parties is as under:

Exhibit Date of sale Area Sale price in Rs. average price of one acres in Rs.

Ex. P-3 17.8.2005 4 marlas 90000/ 3,60,000/-

Ex. P-4 28.5.2005 1 kanal 1,20,000/ 9,60,000/-

Ex. P-5 29.8.2005 6 marlas 1,45,000/ 38,60,000/-

Ex. P-6 16.6.2004 3 marlas 65,000/ 35,00,000/-

Ex. P-7 29.10.2003 5 marlas 80,000/ 25,60,000/-

Ex. RW-1/A 17.11.2005 5 kanals 10 marlas 3,10,000/- 05,00,000/-

9. The sale-deed Ex. P-3, vide which a small portion of land measuring 4 marlas of land was sold on 17.8.2005 for a sale consideration of Rs. 90,000/- was rightly not considered as it was got registered just one day before the issuance of notification u/s 4 of the Act, which was issued on 18.8.2005. Sale-deed Ex. P-5 was got registered on 29.8.2005 after the issuance of notification u/s 4 of the Act. Other sale-deeds were also rightly not considered as good piece of evidence as these were of small portions of land. Moreover, no site plan was placed on record showing the location of these sale-deeds viz-a-viz the location of the acquired land. In the absence thereof, these sale-deeds cannot be relied upon for the purpose of assessment of fair value of the acquired land.

10. As regards sale-deed, Ex. RW1/A, the same was also got registered on 17.11.2005 after the issuance of notification u/s 4 of the Act. Further the award of the Collector was more than the price in this sale-deed and the learned court below has rightly discarded the same. In spite of that the court below has relied upon sale-deed, Ex. P-4, dated 28.5.2005 produced on record by the landowners, vide which one kanal of land was sold for an average price of Rs. 9,60,000/- per acre. Though learned court below has awarded compensation of Rs. 9,00,000/- per acre but keeping in view the location of the village, area belonging to each of the land owner being small, and the development in and around the acquired land, the value of the land deserves to be assessed @ Rs. 9,50,000/- per acre. Ordered accordingly. The landowners shall also be entitled to all the statutory benefits available the Act.

11. As far as grant of severance on account of bifurcation of land, the court has rightly granted compensation to the landowners who have led evidence in that regard, accordingly, the same does not call for any interference.

12. The appeals are disposed of accordingly.