

(2011) 10 P&H CK 0012

In the Punjab And Haryana At Chandigarh

Case No : Regular First Appeal No. 5606-12 of 2010 (O and M)

State of Haryana and others

APPELLANT

Vs

Neeru Gupta

RESPONDENT

Date of Decision : 31-10-2011

Acts Referred:

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

Citation : (2012) 1 RCR(Civil) 260

Hon'ble Judges : Rakesh Kumar Garg, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rakesh Kumar Garg, J.—This judgment shall dispose of 14 Regular First Appeals i.e. 5606 to 5619 of 2010 as the same have arisen out of one common award of the Reference Court.

2. Vide notification dated 18.08.2005 issued u/s 4 of the Land Acquisition Act, 1894 (for short the "Act"), Government of Haryana, intended to acquire land measuring 23.49 acres situated at village Malikpur for construction of BML Hasni Branch, Butana Branch Multi Purpose Link Channel. The aforesaid notification was followed by a declaration dated 13.09.2005 u/s 6 of the Act. The Land Acquisition Collector assessed the market value of the land at the rate of Rs. 5 lacs per acre for Nahri/Chahi/Gair Mumkin kind of land.

3. Dissatisfied with the aforesaid award of the Land Acquisition Collector, landowners/appellants filed reference applications u/s 18 of the Act seeking enhancement of compensation. Vide impugned award Ld. Reference Court assessed the market value of the acquired land in question at the rate of Rs. 8 lacs per acre. The Reference Court further held that the landowners whose land has been bifurcated because of acquisition were also entitled to Rs. 50,000/- per acre, on account of loss caused because of bifurcation of their land.

4. Challenging the aforesaid assessment of market value of the Reference Court,

learned counsel for the State has vehemently argued that compensation awarded is on the higher side and the Reference Court has erred at law while placing reliance upon Ex.P8 and Ex.P9 (Sale deeds) which pertains to small plots, whereas a huge chunk of land was acquired vide impugned notification in question and in view of the various judgments of the Hon"ble Supreme Court, the sale instances pertaining to small plots, cannot be taken into consideration for determining the market value of the big chunk of land which has been acquired.

5. I have heard learned counsel for the parties and perused the impugned award as well as documentary evidence as referred by the counsel for the parties.

6. It is not in dispute that the sale deeds Ex.P8 and Ex.P9 pertains to village Malikpur itself and are in close vicinity of acquired land and the land was sold vide these sale deeds prior to the issuance of notification u/s 4 of the Act. In fact, counsel for the appellants could not dispute the fact that aforesaid sale instances are comparable, but for the fact that they pertain to small pieces of land i.e. 16 marlas and 2 marlas respectively. The argument raised on behalf of counsel for the appellants is liable to be rejected in view of the judgment of the Hon"ble Supreme Court in the case of Anjani Molu Dessai Vs. State of Goa and Another, wherein it has been authoritatively laid down that in the absence of any other evidence, even the sale instances pertaining to small pieces of land, which are otherwise comparable can be relied upon after making a suitable cut. The Reference Court has already applied a cut of 1/3 on the average price of the land on the basis of sale instances Ex.P8 and Ex.P9, and has assessed the market value as stated above.

7. Thus, no error can be found in the manner in which the market value of the land has been determined by the Reference Court while relying upon Ex.P8 and Ex.P9.

8. No other point has been argued.

9. It is made clear that this judgment shall not have any effect on the appeals filed by the claimants/landowners for enhancement of compensation.

10. Dismissed.