

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA No. 45 of 1990

Decided on :-29.08.2008

State of Haryana

Appellant

Versus

Smt.Gurnam Kaur

Respondent

CORAM :- **Hon'ble Mr.Justice Rakesh Kumar Jain**

Present:- Mr. H.S.Hooda, Advocate General, Haryana with
Mr. Rajiv Kawatra, Sr. DAG, Haryana
for the appellant.
None for the Respondent.

This Judgment shall dispose of eight cases i.e. RFA Nos. 45, 47, 1804, 49, 67, 52, 53 and 51 of 1990 as the common question of law and facts are involved.

Vide notification dated 22nd January, 1981 an area of 55.56 acres in the Revenue Estate of Village Ghaswa was acquired for the Construction of Rangoli Nallah from RDO to 14350 through Village Ghaswa. It was followed by a declaration under section 6 dated 2.2.1981. The Land Acquisition Collector, Flood Control & Drg. Works, Karnal vide his award No. 15 dated 8.7.1981 assessed the compensation as follows:-

Nehri	290 kanal 4 marla	Rs. 11,000
Chahi	75 kanal 14 marla	Rs. 10000
Salab	1 kanal 10 marla	Rs. 9000
Taal	67 kanal 17 marla	Rs. 8000
Gair Mumkin	<u>9 kanal</u> 5 marla	Rs. 3000

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The land owners were dissatisfied with the award of the Collector, and filed objections Under Section 18 of the Act, which were referred by the Collector to the Civil Court, in which the land owners had set up a claim of Rs. 35,000/- per acre for the acquired land. It

was contested by the respondent on the ground that the Collector has awarded the compensation in accordance with law and the same is adequate. The reference Court, however, after taking evidence on record awarded the flat rate of Rs. 21,000/- per acre. Both the parties led their evidence. In this case the land is acquired in village Ghaswa within the area of Tehsil Fatehabad. The land in question was inspected by Shri B.P. Jindal, Addl. District Judge, Hissar (exercising the power of deciding the land acquisition cases). Vide his report dated 15th May, 1989, wherein it has been mentioned that the land in question was surrounded by agricultural lands and the lands in this area were mostly irrigated by tube-wells and canals. The witnesses appearing on behalf of the claimants, namely PW2, PW3, PW4, PW6 and PW7, stated that the value of the land at the time of acquisition was even upto Rs.40,000/- per killa. Besides that, the land owners had made purchases vide sale deeds which are reproduced as under:-

Sr.No.	Sale-deed No.& Date & exhibit.	Area and price.	Price per acre.
1.	847 dt. 12.7.84 Ex.PW/3/A	12 kanals for Rs. 48500/-	36,334/- per acre
2.	Regd.deed Dt.9.6.81	8K-11M for Rs.21000/-	21,000/- per acre
3.	Regd.Sale deed No. 742 dt. 17-6-82 Ex.PX2	48K-0M Rs.132600/-	22100/-
4.	Regd.sale-deed No. 842 dt.29-6-89 Ex.PX3.	37K-12M for Rs. 1,18000/-	25520/- per acre

As against this, the respondents produced the documents showing the price of the land, vide which the land was sold in the said village which is reproduced as under:-

1.	Regd.sale-deed dt. 9-6-89 Ex.R1	7K-15M for Rs. 13000/-	Rs. 13000/- per acre
2.	Regd.sale-deed Dt.8.12.81 Ex.R2	13K-3M for Rs.9000/-	Rs.5500/- per acre

The reference Court relied upon sale deed Ex. PX/4 dated 9th June, 1981 in which compensation was assessed at the rate of Rs.21,000/- per acre and ignored the sale deed Ex.R2 mentioning the price of the land which was even less than the award given by the Land Acquisition Collector. The other sale instance relied upon by the state was found to be relevant as its full price had not been described. It was however stated that while the land in question was inspected by the Presiding Officer, which was found to be canal irrigated, therefore, the reliance has been placed upon sale deed Ex.PX/4, in which compensation has been enhanced at a maximum amount of Rs. 21,000/- per acre at the relevant time.

The counsel for the appellant has vehemently argued that the compensation that has been given in this case is highly excessive and the reference Court has erred in assessing the market value on basis of solitary sale instance.

I have heard the counsel for the appellant. So far as the amount of compensation is concerned, it has come in the evidence, in the report of the Presiding Officer Shri B.P.Jindal dated 15.5.1989, who had inspected the site and mentioned that the land in question is surrounded by other agricultural land and is mostly irrigated by tubewells and canals. Keeping in view the said report and the fact that the land of the same village had been sold for Rs. 21,000/-per acre, the compensation that has been assessed is justified and is upheld as such.

In view of the above, I do not find any illegality or irregularity in the award of the Court below. Therefore, the appeals filed by State of Haryana are dismissed. No costs.

(Rakesh Kumar Jain)
Judge