

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Date of decision: April 30 , 2009

**(1) R.F.A. No. 103 of 1994 (O&M)**

Mehar Singh and others .. Appellants  
Vs.

The State of Punjab .. Respondent

**(2) R.F.A. No. 104 of 1994 (O&M)**

Megh Nath (deceased) through LRs .. Appellants  
Vs.

The State of Punjab .. Respondent

**(3) R.F.A. No. 105 of 1994 (O&M)**

Jagir Singh and others .. Appellants  
Vs.

The State of Punjab .. Respondent

**(4) R.F.A. No. 106 of 1994 (O&M)**

Rachhpal Singh and another .. Appellants  
Vs.

The State of Punjab .. Respondent

**(5) R.F.A. No. 353 of 1994 (O&M)**

Dial Singh (deceased) through LRs and others .. Appellants  
Vs.

The State of Punjab .. Respondent

**(6) R.F.A. No. 445 of 1994 (O&M)**

Karnail Singh .. Appellant  
Vs.

The State of Punjab .. Respondent

**(7) R.F.A. No. 446 of 1994 (O&M)**

Paramjit Singh  
Vs.

.. Appellant

The State of Punjab

.. Respondent

**(8) R.F.A. No. 447 of 1994 (O&M)**

Gurbax Singh (deceased) through LRs  
Vs.

.. Appellants

The State of Punjab

.. Respondent

**(9) R.F.A. No. 553 of 1994 (O&M)**

Ajmer Singh (deceased) through LRs and others  
Vs.

.. Appellants

The State of Punjab and another

.. Respondents

**(10) R.F.A. No. 1433 of 1994 (O&M)**

Sukhdev Singh (deceased) through LRs and others  
Vs.

.. Appellants

The State of Punjab

.. Respondent

**(11) R.F.A. No. 1434 of 1994 (O&M)**

Narang Singh and another  
Vs.

.. Appellants

The State of Punjab

.. Respondent

**(12) R.F.A. No. 1435 of 1994 (O&M)**

Harbhajan Singh  
Vs.

.. Appellant

The State of Punjab

.. Respondent

**(13) R.F.A. No. 1436 of 1994 (O&M)**

Hakam Singh and others  
Vs.

.. Appellants

The State of Punjab

.. Respondent

**(14) R.F.A. No. 1450 of 1994 (O&M)**

Nasib Singh and others  
Vs.

.. Appellants

The State of Punjab

.. Respondent

**(15) R.F.A. No. 1451 of 1994 (O&M)**

Bant Singh (deceased) through LR's and another  
Vs.

.. Appellants

The State of Punjab

.. Respondent

**(16) R.F.A. No. 1798 of 1994 (O&M)**

Mohinder Singh  
Vs.

.. Appellant

The State of Punjab and others

.. Respondents

**(17) R.F.A. No. 124 of 1995 (O&M)**

Teja Singh (deceased) through LR's  
Vs.

.. Appellants

The State of Punjab

.. Respondent

**(18) R.F.A. No. 125 of 1995 (O&M)**

Karnail Singh and others  
Vs.

.. Appellants

The State of Punjab

.. Respondent

**(19) R.F.A. No. 126 of 1995 (O&M)**

Naranjan Singh (deceased) through LR's and another  
Vs.

.. Appellants

The State of Punjab

.. Respondent

**(20) R.F.A. No. 184 of 1995 (O&M)**

Jaswinder Singh and another  
Vs.

.. Appellants

The State of Punjab

.. Respondent

**(21) R.F.A. No. 279 of 1995 (O&M)**

Harbans Singh and others .. Appellants  
Vs.

The State of Punjab .. Respondent

**(22) R.F.A. No. 280 of 1995 (O&M)**

Gurdev Singh and others .. Appellants  
Vs.

The State of Punjab .. Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Naresh Kaushal and Mr. P. K. Gupta, Advocates for  
the land owners.  
  
Mr. O. P. Dabla, Assistant Advocate General, Punjab  
for the State.

Rajesh Bindal J.

This order shall dispose of above mentioned 22 appeals, as common questions of law and facts are involved.

The land owners are in appeal against the award of the learned court below seeking further enhancement of compensation for the acquired land.

Briefly, the facts are that the land in question, situated in village Mauli Baidwan Hadbast No. 4, Tehsil Kharar, District Ropar, was acquired by the State Government vide notifications dated 24.3.1988 and 15.4.1988, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') for construction of Lower Breach Canal. The Land Acquisition Collector (for short, 'the Collector') assessed the market value of the acquired land as under:

Sr. No.	Kind of land	Price per acre
1.	Chahi/Abi	Rs. 60,000/-
2.	Barani	Rs. 45,000/-
3.	Gair Mumkin	Rs. 36,000/-

Aggrieved against the award of the Collector, the land owners filed objections which were referred to the learned Additional District Judge, Ropar, who keeping in view the material placed on record by the parties, assessed the market value of the acquired land at Rs. 1,75,000/- per acre.

Learned counsel for the land owners submitted that the learned court below has failed to consider the evidence led by them on record in the form of sale deeds and earlier awards. The land is located at a strategic place being close to village Mohali. Mohali in fact was developing as urban/industrial area at a fast pace. Land of villages Kambali and Kambala, where big industrial complexes had been set up, was hardly two kilometers away from the acquired land. Sector 47 of Chandigarh was at a distance of about 1-1/2 kilometers. It had great future potential for urbanisation and the land was fit for use for residential and commercial purposes. It adjoins villages Sohna, Mataur, Kambali and Kambala. Referring to the evidence produced on record, it was submitted that Ex. A1 is the award pertaining to the acquisition of land of villages Kumbra, Kambali and Kambala, where this Court had determined the value of the acquired land at Rs. 1,75,000/- per acre. The acquisition therein was carried out vide notification dated 4.2.1981. Sale deed (Ex. A2) was referred to which was registered on 21.11.1980 for sale of 4 kanals and 19 marlas of land in village Mauli Baidwan for a sum of Rs. 60,000/-. The submission was that acquisition in the present case having been carried out vide notification dated 24.3.1988, the land owners are entitled to further increase @ 12% per annum thereon. In support of the contention, reliance was placed upon The General Manager, Oil and Natural Gas Corporation Ltd. v. Rameshbhai Jivanbhai Patel and another, 2008(4) RCR (Civil) 487 and Rama Nand and others v. State of Haryana and others, 2009(1) RCR (Civil) 195.

On the other hand, learned counsel for the State submitted that as has been noticed by the learned court below, the land in question is located in anterior with no approach road. Chandigarh-Sirhind road is at about 5 kilometers from the acquired land. The boundaries of village Mohali and other villages do not touch the acquired land. There is no site plan produced on record by the land owners to justify the contention that there is comparability in the value of land dealt with either in Ex. A1 or Ex. A2. The impugned award, in fact, does not call for any interference as the land owners had already been awarded compensation much more than what they deserved.

Heard learned counsel for the parties and perused the relevant referred record.

As far as location of the land is concerned, except aks shijra (Ex. A5) merely showing the boundaries of villages Mauli Baidwan and Kumbra, no other plan has been pointed out to show either the location of the acquired land or the location of the land dealt with in Ex. A1 and Ex. A2. All what is sought to be claimed is that these are all adjoining villages, as had come in the oral evidence led

by the land owners which remained unrebutted. Once for the land of neighbouring villages, a particular amount of compensation has been awarded, the appellants, whose land is also located close to that in the adjoining villages, are also entitled to same amount of compensation. However, I do not find any merit in this contention. Even the land pertaining to one revenue estate may have different value, considering its location. If the land of a revenue estate adjoins a city or a developed urban area, the adjoining portion will certainly carry more value as compared to the land which is at the other end, which may or may not have even an approach road. The fact that the value of any land depends on various factors, namely, availability of approach road, which may further be different in case the approach is a kacha Gohar, kacha path, link/metalled road, State Highway, National Highway etc., availability of infrastructure in the vicinity, the construction activity. In case it is agricultural kind of land, the nature thereof either being Nehri, Chahi, Barani, Gair Mumkin, uneven/choe etc. To claim that the entire land of one revenue estate or even the adjoining villages would carry same value without there being any material on record in the form of a site plan to show the exact location of the land sought to be compared would be totally misconceived.

As far as reliance on sale deed (Ex. A2) is concerned, again there is no site plan on record to show the location thereof vis-a-vis the acquired land. However, still even if that is considered to be a guiding factor and a sale of land with comparable quality and location, even if grant of increase thereon @ 12% per annum, the value thereof comes quite close to the value, as has been determined by the learned court below. It may be noticed that the sale deed was registered way back on 21.11.1980, whereas the acquisition in the present case was carried out more than 7 years thereafter.

For the reasons mentioned above, I do not find that there is any material on record which could enable this Court to opine that the value of the acquired land, as has been determined by the learned court below, calls for any interference.

Accordingly, the appeals are dismissed.

(Rajesh Bindal)  
Judge

April 30, 2009  
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