



**RFA-3071-2005(O&M)
and other connected cases**

**283 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**RFA-3071-2005(O&M)
and other connected cases
Date of decision: 25.02.2025**

Gurdeep Singh

..Appellant

Versus

Land Acquisition Collector and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Gurnam Kaur Turka, Advocate for appellants
in RFA-3071, 3072, 3073 of 2005

Mr. Satish Saini, Advocate for appellants
in RFA-3122-2005

Mr. Shrey Goel, Advocate for the appellants
in RFA-799 to 804 of 2006, 1232 to 1241, 2633, 2634 and 3836
of 2006

Mr. Vibha Tewari, AAG, Haryana

ANIL KSHETARPAL, J. (Oral)

1. With the consent of the learned counsel representing the parties, a batch of 23 appeals (details whereof are at the foot of the judgment) shall stand disposed of by this common order.

2. Notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as '1894 Act') proposing to acquire 8.73 acres of land for construction of Bainten Nallah drain was issued on 24.05.2001. Ultimately, the Land Acquisition Collector (hereinafter referred to as 'LAC') offered to pay Rs.2,50,000/- alongwith all statutory benefits. On applications filed under Section 18 of the 1894 Act, the matters were



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referred to the Reference Court (hereinafter referred to as 'RC') which have been dismissed.

3. The crucial date for assessing the market value of the acquired land is 24.05.2001. First part of Section 23(1) of the 1894 Act provides that market value of the acquired land is to be determined on the date when the notification under Section 4 was published.

4. The landowners have produced the following sale instances:-

Ex.No.	Date	Amount in sale deed	Price of 1 acre of land as per corresponding sale deed
Ex.P1	06.10.1994	10 marlas for Rs.56000/-	$56000 \times 160 = 8,96,000/-$
Ex.P1/A	10.05.1999	14 marlas for Rs.63,000/-	Price of 14 marlas Rs.63000/- Price of 1 marla $63000/14=4500$ Value of 1 acre $4500 \times 160 = 7,20,000/-$
Ex.PW2	16.12.1995	17 marlas for Rs.1,92,000/-	Price of 17 marlas Rs.1,92,000/- Price of 1 marla $192000/14=11294$ Value of 1 acre $11294 \times 160 = 18,07,040/-$
Ex.PW2/A	01.02.1995	10 marlas for Rs.56,000/-	Price of 10 marlas Rs.56000/- Price of 1 marla $56000/10=5600$ Value of 1 acre $5600 \times 160 = 8,96,000/-$
Ex.PW6/A	31.3.1997	8 marlas for Rs.30,000/-	Price of 8 marlas Rs.30000/- Price of 1 marla $30000/8=3750$ Value of 1 acre $3750 \times 160 = 6,00,000/-$

5. In oral evidence, the landowners examined the following witnesses:-



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PW1	Mangti Devi
PW2	Mela Singh
PW3	Jaswant Singh
PW4	Gurdial Singh
PW5	Jeet Ram
PW6	Khem Singh
PW7	Randhir Singh

6. On the other hand, RW1 Dharamvir SDO was examined and the following documents were produced:-

Ex.R1	Report
Ex.R2	Copy of judgment dated 11.8.2003
Ex.R3	Site plan
Ex.R4	Copy of sale deed dated 16.4.1999

7. The RC held that the landowners have failed to prove that the market value of the acquired land was more than the amount awarded by the LAC. It was found that all the exemplar sale deeds produced by the landowners are with respect to very small plots, which are ordinarily not sold for agricultural purposes. EX. PW2 is a sale instance of 17 marlas plot. The total area of plot comes to be 510 sq. yards. The total area of an acre of agricultural land in the States of Punjab and Haryana is 4840 sq. yards.

8. Per contra, the State counsel has produced sale deed dated 16.04.1999 with respect to 4 kanals plot ($\frac{1}{2}$ acre) sold for Rs.48,000/-. The per acre price comes to Rs.96,000/-. This sale deed was executed on 16.04.1999. The LAC has already awarded Rs.2,50,000/-.

9. Learned counsel representing the landowners have argued that the Collector's rate could not be made the basis to award the market value. They submit that actual market value is more than the Collector's rate.



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10. This Court has considered the submissions made by the learned counsel representing the parties.

11. It was for the landowners to prove that the market value of the acquired land was more than what was awarded by the LAC. Onus lay on them to prove that the amount offered by the LAC was less than the market value. They have produced exemplar sale deeds, however, these sale deeds are with respect to parcels of land which are not comparable with the acquired land. Admittedly, the acquired land was agricultural land, which was acquired for construction of a drain. The RC has not relied upon the Collector's rate. The RC has only upheld the award passed by the LAC.

12. There is no material to show that the exemplar sale deed Ex.R4 was undervalued.

13. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

14. Hence, dismissed.

15. All the pending miscellaneous applications, if any, are also disposed of.

**(ANIL KSHETARPAL)
JUDGE**

25.02.2025

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Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No

Sr. No.	Case No.	Appellant(s)	Respondent(s)
1.	RFA-3071-2005	GURDEEP SINGH	LAND ACQUISITION COLLECTOR AND ORS.
2.	RFA-3072-2005	BALDEV SINGH	LAND ACQUISITION COLLECTOR AND ANR.
3.	RFA-3073-2005	GURMEET KAUR AND	LAND ACQUISITION COLLECTOR AND ANR.



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		ORS.	
4.	RFA-3122-2005	MANGTI DEVI & ORS	STATE OF HARYANA AND ANR.
5.	RFA-799-2006	SHAMSHER SINGH	LAND ACQUISITION COLLECTOR AND ORS.
6.	RFA-800-2006	CHUHRA AND ORS.	LAND ACQUISITION COLLECTOR AND ANR.
7.	RFA-801-2006	MAKHTUL SINGH	LAND ACQUISITION COLLECTOR AND ANR.
8.	RFA-802-2006	AJIT SINGH AND ANR.	LAND ACQUISITION COLLECTOR AND ANR.
9.	RFA-803-2006	DILBAG SINGH AND ORS.	LAND ACQUISITION COLLECTOR AND ANR.
10.	RFA-804-2006	BALBIR SINGH AND ANR.	STATE OF HARYANA AND ANR.
11.	RFA-1232-2006	KALI RAM AND ORS.	LAND ACQUISITION COLLECTOR AND ANR.
12.	RFA-1233-2006	CHUHRA AND ORS.	LAND ACQUISITION COLLECTOR AND ANR.
13.	RFA-1234-2006	JAI SINGH AND ORS.	LAND ACQUISITION COLLECTOR AND ANR
14.	RFA-1235-2006	GIAN SINGH	LAND ACQUISITION COLLECTOR AND ANR.
15.	RFA-1236-2006	KAHAN SINGH AND ORS.	LAND ACQUISITION COLLECTOR AND ANR.
16.	RFA-1237-2006	GULZAR SINGH AND ORS.	LAND ACQUISITION COLLECTOR AND ANR.
17.	RFA-1238-2006	KAHAN SINGH AND ORS.	LAND ACQUISITION COLLECTOR AND ANR.
18.	RFA-1239-2006	RANJIT SINGH AND ANR.	LAND ACQUISITION COLLECTOR AND ANR.
19.	RFA-1240-2006	JAI SINGH AND ORS.	LAND ACQUISITION COLLECTOR AND ANR.
20.	RFA-1241-2006	HARVINDER SINGH AND ORS.	LAND ACQUISITION COLLECTOR AND ANR
21.	RFA-2633-2006	CHUHRA AND ORS	LAND ACQUISITION COLLECTOR AND ANR.
22.	RFA-2634-2006	DILBAG SINGH AND ORS	LAND ACQUISITION COLLECTOR AND ANR



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23.	RFA-3836-2006	DHARAM SINGH	LAND ACQUISITION COLLECTOR AND ANR.
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(ANIL KSHETARPAL)
JUDGE