

**XOBJR-114-CI-2015(O&M)
in/
and
RFA-1190-1995**

2025:PHHC:048034



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

**1. XOBJR-114-CI-2015(O&M)
in/
and
RFA-1190-1995**

Avtar Singh and another

..Appellants

Versus

State of Haryana and others

..Respondents

2. RFA-383-1995 (O&M)

Neelkanth

..Appellant

Versus

State of Haryana

..Respondent

3. RFA-473-1995 (O&M)

Iqbal Singh

..Appellant

Versus

State of Haryana and another

..Respondents

**Reserved on : 09.01.2025
Date of decision: 05.04.2025**

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Nischal Chetanya Manchanda, Advocate
for the appellant in RFA-1190-1995**

**Mr. Ravi Gakhar, Advocate for the cross-objectors/
respondent no.2 and 3**

Mr. Shivendra Swaroop, DAG, Haryana

**XOBJR-114-CI-2015(O&M)
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ANIL KSHETARPAL, J.

1. Brief facts:-

1. With the consent of the learned counsel representing the parties, aforesaid three connected Regular First Appeals alongwith cross objections shall stand disposed of by this common order.
2. This Court has been called upon to assess the market value of the acquired land. The necessary and relevant particulars of the acquisition are as under:-

15.11.1971	Notification under Section 4 of the Land Acquisition Act, 1894 was issued proposing to acquire 3.17 acres of land in Village Pehowa for construction of Pehowa Gula Road
29.08.1985	Land Acquisition Collector vide his award no.25-K offered to pay Rs.9,000/- for chahi and vacant land whereas Rs.5,000/- for Gair Mumkin, Khal (Water channel) and Bagh Barani (Orchard)
15.11.1994	Reference Court assessed the market value of the acquired land at the rate of Rs.26,200/- per acre.

3. The State of Haryana has not filed any appeal. Ultimately, the total acquired land is 1.89 acres.

II. Analysis & Discussion:-

4. The landowners claim that market value of the acquired land was not less than 12,000/- per acre. The acquired land is adjacent to the Sarawati Tirath and in annual fair, small pieces of land fetches rent of Rs.8,000/- for a period of only 8 days. Pehowa is a progressive town and the land is capable of being used for residential and commercial purposes.
5. The respondent- State contested the case while defending the Land Acquisition Collector's assessment. The landowners relied upon mutation no.1540, Ex.P2 with respect to sale of 6 marlas land for an amount of Rs.6,000/- vide sale deed dated 13.03.1970. The Reference Court



(hereinafter referred to as 'RC') found that this sale deed is with regard to a constructed factory building and it is located at a distance from the acquired land. Subsequently, while relying upon sale deed Ex.R4, the court assessed the market value of the acquired land at the rate of 26,200/- per acre.

6. Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook alongwith the requisitioned record.

7. Though the landowners have claimed that the market value of the acquired land assessed by the RC requires enhancement, however, no evidence has been led. The copy of mutation cannot be read in evidence to assess the market value of the acquired land. The landowners have not produced certified copy of the sale deed depriving the Court from analyzing the same. The other sale deed is with respect to constructed factory building.

8. There is another aspect of the matter. Smt. Kashmir Kaur and Daljit Singh applied for reference under Section 18 of the Land Acquisition Act, 1894 (hereinafter referred to as '1894 Act'), alongwith her husband and her son. In fact, property of family of Avtar Singh was acquired. Kashmir Kaur is wife of Avtar Singh whereas Kuldip Singh is son of Avtar Singh. Avtar Singh and Daljit Singh signed the application under Section 18 of the 1894 Act, however, Kashmir Kaur and Kuldip Singh did not. The RC has held that Kashmir Kaur and Daljit Singh will not be entitled to enhanced market value. This appeal is pending for the last 30 years. The lower court record of this appeal is not available. Hence, this appeal is disposed of with



observation that if Kashmir Kaur and Daljit Singh were co-owners with Avtar singh and Kuldip Singh, then they shall be entitled to same compensation because one co-owner can apply on behalf of all other co-owners. The property owned by them should be joint, which was acquired by a common notification. The Executing Court will examine this aspect and grant enhanced market value to Kashmir Kaur and Daljit Singh, if they were co-owners with Avtar Singh and Kuldip Singh.

III. Decision:-

9. With these observations, the appeals as well as cross objections are disposed of.
10. All the pending miscellaneous applications, if any, are also disposed of.

05.04.2025

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Whether speaking/reasoned

Whether reportable

(ANIL KSHETARPAL)
JUDGE

Yes/No

Yes/No