



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

RFA-2534-2000 (O&M)

Date of decision : 15.01.2025

Harish Chander and others

...Appellants

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kulvir Narwal, Advocate
Mr. Abhisar Chaudhary, Advocate
Ms. Geetanjali Bhatia, Advocate
for the appellant(s).

Ms. Safia Gupta, AAG, Haryana.

ANIL KSHETARPAL, J. (Oral)

1. Dissatisfied with the Award dated 07.08.1999, Ex. P-3 passed by the Reference Court under Section 18 of the Land Acquisition Act, 1894, (hereinafter referred to as 'the Act') the land owners have filed the present appeal. Notification was issued under Section 4 of the Land Acquisition Act, 1894 on 20.11.1978 proposing to acquire 7.31 acres of land in Village Farrukh Nagar, Tehsil and District Gurguram at public expense for construction of Haili Mandi Farrukh Nagar Road to Dabado in Gurugram District.

2. Declaration under Section 6 of the Act was made on 05.11.1979 and the Land Acquisition Collector announced the award on 25.02.1982, acquiring 7.50 acres of land @ Rs.7,200/- for chahi land, Rs.6,400/- for ahata chah, Rs.3,200/- for Magda, gair mumkin, Rs. 5,200/- for banjar and Rs. 2000/-



for Bhood land, Rs.1,600/- for G.M. Rasta Malkan.

3. The appellant filed an application under Section 18 of the Act, with a prayer to refer the matter to the Reference Court for assessment of market value of the acquired land. The Reference Court upheld the assessment made by the Land Acquisition Collector while dismissing the reference petition.

4. Heard the learned counsel representing the parties at length and with their able assistance perused the paper-book.

5. Learned counsel representing the appellants submits that the appellant has produced a copy of the Award, Ex. P-3 passed by the Reference Court assessing the market value of land located in village Khurampur Khera @ Rs.993.28 paise arising from a common notification under Section 4 of the Act. He submits that both the villages are located nearby. He further submits that the sale deed Ex. P-2 dated 25.02.1981 was wrongly ignored by the Court.

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

7. The Award, Ex. P-3 is admittedly not with respect to the same village. This case pertains to acquisition of land in Village Farrukh Nagar, whereas, Ex. P-3 pertains to Village Khurampur Khera. Moreover, it is not the case of the appellant that the both the villages abutting each other or their land is of same market value.

8. Though, learned counsel representing the appellants submits that Farrukh Nagar is a bigger village, however, in absence of the cogent evidence, it is not possible to accept his submissions.



9. The sale instance Ex. P-2 is with respect to the period post the date of notification under Section 4 of the Act. In fact, the sale instance is more than 02 years after the notification under Section 4 of the Act was issued. Hence, it has correctly been ignored while assessing the market value of the acquired land on 20.11.1978.

10. The appellant did not press any other issue.

11. Hence, the appeal is dismissed.

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

15.01.2025
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No