



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

RFA No.1427 of 1998

DATE OF DECISION : 6th SEPTEMBER, 2024

Yash Pal & others

.... Appellants

Versus

The State of Haryana

.... Respondent

205A

RSA No.1775 of 1997

State of Haryana

.... Appellant

Versus

Yash Pal & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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Present : Mr. Sunil Panwar, Advocate
for the appellant in RFA No.1427 of 1998 and
for respondents in RFA No.1775 of 1997.

Mr. Amit Aggarwal, DAG, Haryana
for the appellant in RFA No.1775 of 1997 and
for respondent in RFA No.1427 of 1998.

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RAJBIR SEHRAWAT, J. (Oral)

1. This shall dispose of aforesaid two appeals; one filed by the land owners for enhancement of the compensation amount on account of acquisition of their land and the another one is filed by the State of Haryana praying for reduction in the amount of compensation granted to the land owners. However, the facts are being taken from RFA No.1427 of 1998.

2. The brief facts, as involved in the case, are that the State of Haryana issued notification No.15/57/20521 dated 03.11.1973 under Section 4 of the Land Acquisition Act, 1894 (in short the 'Act') for acquiring land measuring 8 Kanals 6 Marlas, situated in the revenue estate of village Haily Mandi, District Gurgaon for the purpose of providing



sewerage scheme to the village. Thereafter, another notification under Section 6 of the Act was issued on 04.11.1975. Vide award No.44 for the year 1986-87 the Land Acquisition Collector, Gurgaon awarded the compensation at the rate of ₹5600/- per Acre. Aggrieved against the same; the land owners sought reference to the court below.

3. The appellants-land owners lead in evidence the sale deeds Exhibits P-2 to P-5, which reflect market value of the land in the area ranging from ₹1,00,000/- to ₹3,42,857/- per Acre. After appreciation of evidence the reference court came to the conclusion that as per the material on record, the market value of land in the area was not less than ₹1,00,000/- per Acre. However, on the ground that the land owners themselves have claimed the market value at the rate of ₹70,000/- per Acre, therefore, the compensation payable to them was decided at the rate of ₹70,000/- per Acre. Aggrieved against this grant of lesser market value than even the market value assessed by the reference court; the present appeal has been filed by the land owners.

4. Arguing the case learned counsel for the appellants-land owners has submitted that the market value has duly been proved by the appellants by leading evidence in the form of sale deeds. Nearest sale deed has shown the market value of ₹1,00,000/- per Acre. Even the reference court has recorded a finding that the market value of the land in question was found to be ₹1,00,000/- per Acre, therefore, there was no reason or occasion for the reference court to reduce the compensation payable to the land owners to the rate of ₹70,000/- per Acre only on the pretext that the land owners themselves had claimed the compensation at the rate of ₹70,000/- per Acre. It is further submitted by the counsel for the appellants-land owners that there is no provision in the Act on the basis of which the reference court can reduce the compensation payable to the claimants only



on the basis of the value alleged by them; despite having assessed the higher market value. Moreover, the appellants had never claimed market value to be ₹70,000/- per Acre, rather, their assertion was that the market value, by any means, was not less than ₹70,000/- per Acre; and to prove the higher value they have duly led in evidence the sale deeds showing the market value as such. Hence, the appellants are entitled to the compensation at the rate of ₹1,00,000/- per month.

5. No other argument has been raised by the counsel for the appellants-land owners.

6. On the other hand, the counsel for the State has submitted that the reference court has already granted the compensation on the higher side. It is further submitted that even if the same is not to be reduced any further, then the reference court has rightly restricted the compensation to the tune of ₹70,000/- per Acre. No enhancement is warranted in the case.

7. Having heard the counsel for the parties and having gone through the record, this court finds substance in the arguments raised by counsel for the appellants-land owners. There is no doubt that the land owners are entitled to the 'market value' as the compensation for the land which they are losing. Their claim, *per se*, is an irrelevant fact; even if the land owners claim any particular amount as the value of their land under acquisition. They are still required to lead evidence to justify their claim or to substantiate the market value of the land. Once the market value has been determined on the basis of the evidence led on file, the reference court is not justified in reducing the amount of compensation payable to the land owners, only because of assertion made by the land owners qua the perceived market value, *de hors* the evidence on file. There is no provision in the Act, which may entitle the court to reduce the market value only on the basis of the assertion made by a party before the reference court. May



be under the old law the restriction could have been on the right of the land owner with reference to the payment of the court fees on the claim made in the 'appeal', however, there is absolutely no justification for reducing the compensation even by the reference court on the basis of said assertion by the parties. Otherwise also; the landowners have not claimed the fixed value, rather, their assertion is only to the effect that the market value of their land was not less than ₹70,000/- per Acre. This obviously, means that value is anything higher than ₹70,000/- per Acre. They have, in any case, proved the value to be ₹1,00,000/- per Acre.

8. Since the reference court itself has come to the conclusion that the market value of the land was ₹1,00,000/- per Acre, therefore, the land owners have to be held entitled to the compensation at the rate of ₹1,00,000/- per Acre along with all statutory benefits as awarded by the reference court.

9. Ordered accordingly.

10. In view of the above, the appeal filed by the land owners is allowed. The appeal filed by the State of Haryana is dismissed.

6th September, 2024
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>