

**(2012) 08 P&H CK 0274**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** Regular First Appeal No. 1363 of 1991 (O and M) , Regular First Appeal No. 1493 of 1991 (O and M) and Regular First Appeal No. 1494 of 1991 (O and M)

The Haryana State

APPELLANT

Vs

Inder Singh and Others <BR>

Nathu Vs The Haryana State

RESPONDENT

<BR> Ratti Pal Vs State of

Haryana

**Date of Decision:** Aug. 21, 2012

**Acts Referred:**

- Land Acquisition Act, 1894 - Section 4

**Hon'ble Judges:** K. Kannan, J

**Bench:** Single Bench

**Advocate:** Ashish Gupta, AAG, Haryana,s in RFA Nos. 1363-1373 of 1991 and in RFA Nos. 1493-1495 and 1542 of 1991, for the appearing parties;

**Final Decision:** Dismissed

**Judgement**

K. Kannan, J.

The appeals filed in RFA Nos.1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372 and 1373 of 1991 are at the instance of the State. The appeal in RFA Nos.1493, 1494, 1495 and 1542 of 1991 are at the instance of some of the landowners who are cited as respondents in State appeals. The appeals are in relation to the determination of compensation for acquisition of land in village Jatola for construction of road from Rampura to Jatola. By a notification made u/s 4 on 03.07.1984, the Land Acquisition Collector had determined an award of Rs. 21,920/-per acre in respect of chahiland. The Additional District Judge by his order dated 19.02.1991 enhanced the compensation to Rs. 36,546.33 per acre. The total acquired land for which the award had been passed was 4.83 acres. Before the reference Court, the landowners had made a reliance on five sale deeds constituting the basis for compensation. The reference Court took two sale deeds as relevant.

The State itself had placed reliance on two sale deeds where the land was valued in the range of Rs. 21,000/-per acre. The range of values of properties found in the sale deeds operated in a wide price band of Rs. 20,000/-to Rs. 90,000/-per acre and the reference Court averaged the price and determined the valuation. The Learned Counsel appearing on behalf of the State would contend that out of the sale deeds which were relied on by the reference Court, one was with reference to a post-notification sale dated 15.07.1985 covered under P-2 which was for a consideration of Rs. 96,000/-per acre. The reference to this valuation itself was the reason as to how the average price got pushed up.

2. The manner of averaging the prices by reference to sale deeds has been considered by the Supreme Court in Anjani Molu Dessai Vs. State of Goa and Another, and the Supreme Court laid down that the principle of averaging must be taken only for determination of prices, if the sale deeds exhibited price variations within a small price bandwidth. If there were huge variations, the Court must only look for the sale deed which is most proximate to the date of notification and the quality and extent of land that could provide the guide as exemplar. In this case, we have a RFA No. 1363 of 1991(O&M) & Ors. [6] reference to a sale deed filed by a landowner under P-5 which was in respect of half an acre of land that had been sold for Rs. 43,000/-per acre. The determination of price at Rs. 36,546.33 per acre is even less than what is found under P-5. The counsel appearing on behalf of the State pointed out that the landlord had made no attempt to bring a site plan to show the actual location of the property in P-5 and the relevance of sale price for the document to serve as an exempla for determining the compensation for the property acquired from the respective landowners. On an overall consideration, I am of the view that even if the post-notification sales were to be discarded, the price of the property ought to have been within a range of Rs. 20,000/-in the manner in which the Government was relying on and Rs. 43,000/-which was in relation to a property covered under P-5. The value fixed at Rs. 36,546.33 per acre cannot be taken to be excessive or off the mark. In any event, a total extent acquired itself was less than 5 acres and the re-determination of price for reducing even the value as already made by the Additional District Judge would not be appropriate in this case at this length of time. The awards are confirmed and the appeals are dismissed.