

**In the Court of Rajnish Kumar Sharma, Additional District Judge,
Panchkula.**

Case Type	LAC	
Filing No.	8235/2013	Filing date: 09.07.2013
Case No.	1878/2013	Registration Date: 10.07.2013
Case Code	201400082352013	
Date of Decision	17.08.2016	

Rajesh Kumar S/o Gurbachan Lal, R/o Ratpur Colony, Pinjore, share holder of Land in Village Rampur Seori, Hadbast No. 106, Tehsil Kalka, Distt. Panchkula.

...Petitioner.

Versus

1.State of Haryana, through its Land Acquisition Collector, SCO-67, Sector-8, Panchkula.

2.Haryana Urban Development Authority, through its Chief Administrator, office at Sector 6, Panchkula.

3. Estate Officer, HUDA Panchkula.

4. Land Acquisition Officer, Urban Estate, Panchkula.

.... Respondents.

Reference u/s 18 of Land Acquisition Act.

Present: Sh. Sameer Sachdev, counsel for the petitioners.
Sh. Narinder Bhorla, GP for respondents no. 1 and 4.
Respondents no.2 and 3 already ex parte.

AWARD.

1. This award shall dispose of reference under section 18 of Land Acquisition Act of 1894 (hereinafter referred to as Act).

2. The facts of the abovesaid reference are that in pursuance of the Government notification No. LAC(P) NTLA-2007/7790 dated

27.8.2007 under Section 4 of the Act published in the Haryana Gazette and the subsequent notification no. LAC(P) NTLA-2007/7804 dated 28.8.2007 under section 6 of the Act, the Land Acquisition Collector vide award no.33 dated 28.3.2008 acquired total 231.77 acres of land including the land of the petitioners in village Dhamala, H. B. No. 122, Tehsil Kalka and Distt. Panchkula for public purposes namely for the development and utilization of land as vital link starting from NH-22 (near Surajpur) and meeting at Nalagarh road (near Aviation Club) for providing proper access to residential Sectors 27,28,29,30 and 31, Pinjore to be developed by the Haryana Urban Development Authority Act, 1977.

3. It was alleged by the petitioners that the Land Acquisition Collector, Panchkula while pronouncing the award had not assessed the market value of the acquired land by applying a judicious mind. The said land was acquired for vital link starting from NH-22 and Nalagarh road. The petitioners claimed compensation of Rs.20,000/- per square yard for the acquired land.

4. Objections were resisted by Land Acquisition Collector pleading that demand of land owners for amount of Rs.20,000/- per square yard as compensation was unreal, unsubstantial and was not supported by the evidence adduced and it was in utter disproportion to the actual returns from the use of the land. Further, this land was acquired for public purposes. He further pleaded that compensation awarded was just and adequate and thus, the objections filed by the land owners/ interested persons were devoid of merits.

5. From the pleadings of the parties, following issues were framed

by the then learned Addl. District Judge, Panchkula vide order dated 15.3.2014:

1)What was the market value of the acquired land at the time of notification under section 4 of the Land Acquisition Act?OPP

2)Relief.

6. In support of his case, the petitioner tender copy of award dated 07.09.2013 passed by Sh. Rajesh Garg, the then Addl. District Judge, Panchkula in reference titled Ram Singh vs State of Hry. and anr. bearing LAC case no. 247 of 2010 as Ex. PR.

7. On the other hand, Sh. Devender Singh, Kanoongo also relied upon award Ex.PR and closed the evidence.

8. I have heard learned counsel for the petitioner, Sh. Sameer Sachdef, GP assisted by Sh. Devender Singh, Kanoongo on behalf of respondents no.1 and 4 and have gone through the entire evidence available on record. My issue-wise findings are as under:-

ISSUE NO.1 :

9. Onus to prove this issue was on the petitioner. In order to prove this issue, the petitioner tendered certified copy of award dated 7.9.2013. The said judgment/award Ex. PR is pertaining to same notification, award of Land Acquisition Collector and land which was acquired by same award of Land Acquisition Collector, as of the present reference and this judgment/award cannot be ignored rather such an award forms fair basis to arrive at the right conclusion. Moreover, no rebuttal to the evidence of the petitioner has been produced by the respondents.

10. It is well settled that the sale instances of same village, of

which land is acquired and before the date of notification under section 4 of the Act, provide a bench mark to ascertain the market value. If the sale instances of that particular village are not available, then the sale instances of adjoining villages can be looked into. In case sale instances are not available, then previous award, if any passed by the court guides the court to assess the market value and if there is no previous award of the village of which the land is acquired, then the award qua the adjoining land helps the court to determine the market value of the acquired land. In case neither sale instances nor awards are available, then valuation report prepared by an expert assist the court to determine the value of the acquired land. However, in this case, the land of the petitioner in village Dhamala was also acquired vide notification dated 27.8.2007 and award for the same notification has already been passed by Sh.Rajesh Garg, the then Additional District Judge, Panchkula and the market value of the acquired land was assessed @ Rs.888/- per sq.yard vide award Ex.PR.

12. In such a situation the best piece of evidence will be the award of the reference court Ex.PR while assessing the market value of the present acquired land.

13. As a result of the above discussion, I hereby assess the market value of the acquired land @ Rs.888/- per Sq.yd. on the date of notification i.e. 27.8.2007.

RELIEF.

14. In view of my finding recorded in issue no.1, the LA reference is allowed with costs and the petitioners are awarded compensation @ Rs.888/- per Sq.yd. at the time of notification under section 4 of the Act

dated 27.8.2007. The petitioners are also entitled for all statutory benefits under Section 23(1-A), 23(2) and 28 of the Act.

15. In view of guidelines issued by Hon'ble Supreme Court in case of Haryana State Industrial Development Corporation vs Pran Sukh and others, 2010(11) SCC 175, the petitioner is directed to furnish his copy of PAN card and particulars of bank account directly to Land Acquisition Collector who shall deposit the amount of compensation directly in their bank account within three months from the receipt of above said particulars of the petitioners. Memo of cost be prepared accordingly. File be consigned to the record after due compliance.

Announced: 17.08.2016

(Rajnish Kumar Sharma)
Addl. District Judge,
Panchkula.

Note: All five pages of this judgment have been checked and signed by me.

(Rajnish Kumar Sharma)
Addl. District Judge,
Panchkula. 17.08.2016