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C.A.No. 6602 OF 2000
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ITEM NO. 101 COURT NO. 6 SECTION IV

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 6602 OF 2000@@
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Tarlok Singh and Anr. ... Appellant (s)

Vs.

State of Haryana ... Respondent (s)

With C.A. Nos. 6603-6611/2000 and 331/2001@@
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(With office report)

Date: 31-07-2001 This/These matter(s) was/were called
on for hearing today.

CORAM :
HON'BLE MR. JUSTICE V.N. KHARE
HON'BLE MR. JUSTICE B.N. AGRAWAL

For appellant (s)	
in CA 6602, 6604-10	Mr. RK Jain, Sr.adv. Mr. Ajay Jain, adv. Mr. Jinendra Jain, adv. for Ms. Abha R Sharma, adv.
in CA 6603	Mr. Vijay Bahuguna, Sr.adv. Mr. DK Garg, adv.
in CA 6611	Mr. DB Vohra, adv. Mr. SK Sabharwal, adv.
in CA 331	Mr. Prem Malhotra, adv.
For respondent (s)	
in CA 6602-11 and CA 331	Mr. Mahabir Singh, adv. Mr. SR Sharma, adv.
in CA 6603 & 331	Mr. Irshad Ahmad, adv.

UPON hearing counsel, the Court made the following
O R D E R

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The appeals are allowed. There shall be
no order as to costs.

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(Alka Dudeja)
Court Master

(S. Krishnan)
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6602/2000

Tarlok Chand and another

.. Appellants

-vs-

State of Haryana

.. Respondents

(with C.A. Nos. 6603-6611/2000 and 331/2001)

O R D E R

The short question that arises in this group of appeals is whether Exhibits P-8 to P-10 were rightly rejected by the High Court while determining the market value of the acquired land on the date of issue of Notification dated 27.7.87 under Section 4 of the Land Acquisition Act.

A large tract of land situate within the municipal limits of Safidon, District Jind was sought to be acquired by a Notification dated 27.7.87. The land of the appellants herein is covered by the said Notification. Subsequently, the said Notification was followed by issue of a Notification dated 12.8.88 under Section 6 of the Land Acquisition Act. Before the Collector, the appellants herein filed three certified copies of the sale deeds dated 6.8.84, which were marked as Exhibits P-8 to P-10. The said sale deeds disclosed that the land was sold at the rate of Rs. 120/- per sq. yards. However, the Collector offered the compensation to the claimants at the rate of Rs. 16/- per sq. yard. Aggrieved, the appellants sought reference for enhancement of compensation. Before the Additional District Judge, the appellants strongly relied upon Exhibits P-8 to P-10. Learned Additional District Judge by an order and judgment dated 3.5.90, relying upon Exhibits P-8 to P-10 and other evidence on record, determined the compensation to be awarded to the appellants who are the vendees of Exhibits P-8 to P-10, at the rate of Rs. 163/- per sq. yard. Whereas the compensation to other claimants was given at the rate of Rs. 109/- per sq. yard. Aggrieved, the State of Haryana preferred Regular First Appeal before the High Court of Punjab and Haryana against the judgment of the Additional District Judge enhancing the rate of compensation. The High Court after hearing the matter rejected Exhibits P-8 to P-10 on three grounds. The first ground being that neither the vendee nor the vendor of Exhibits P-8 to P-10 were examined to prove the certified copies of the sale deeds dated 6.8.84 and, therefore, the said Exhibits are not admissible in evidence. The second ground on which the aforesaid Exhibits were rejected, was that the appellants got the sale deeds (Exts. P-8 to P-10) executed only to create evidence for obtaining higher rate of compensation in the event their land is acquired and, therefore, Exhibits P-8 to P-10 are not genuine documents to be relied upon for the purpose of determining the market rate of the acquired land. The third ground on which the aforesaid Exhibits were rejected, was that the said Exhibits related to small pieces of land and, therefore, do not reflect the true market value of the acquired land. Consequently, by an order and judgment dated 1.7.97, the appeals filed by the State were allowed and the judgment passed by the Additional District Judge was set aside and thus the compensation awarded by the Collector was restored. Aggrieved, the appellants preferred Letters Patent Appeals before a Division Bench of the High Court, but the same were summarily rejected. It is against the said judgment, the appellants are in appeal before us by way of special leave

petitions.

Civil Appeal Nos. 6604-6607 /2000 are by the vendees of Exhibits P-8 to P-10. Rest of the appeals are by the claimants, whose land were acquired by the impugned Notifications.

Shri R.K. Jain, learned senior counsel appearing for the appellants, urged that the view taken by the High Court in rejecting the Exhibits P-8 to P-10 is wholly erroneous. His argument is that certified copies of the sale deeds Exhibits P-8 to P-10, which were sought to be relied upon by the claimants, as exemplors were not required to be proved by examining either the vendor or the vendee. We find substance in the argument.

In Land Acquisition Officer & Mandal Revenue Officer vs. Narasaiah 2001 (3) SCC 530 and in State of Haryana vs. Ram Singh C. A. No. 6016/99 decided on 25.7.2001, it was held that it is not necessary for the claimant to examine the vendor or vendee to prove the certified copies of the sale deeds which are sought to be relied upon as exemplor for purposes of determining the market value of the acquired land. In view of the said decisions, we find that the view taken by the High Court that Exhibits P-8 to P-10 were not proved in the absence of examination of vendor or vendee is untenable. The second ground on which Exhibits P-8 to P-10 were rejected, was not based on any material on record. We have carefully gone through the records of the case but do not find any iota of evidence or material on record which may show that the claimants had got the sale deeds (Exhibits P-8 to P-10) executed only to create evidence for claiming higher rate of compensation in the event their land is acquired in future. In fact, the finding of the High Court that Exhibit P-8 to P-10 probably were executed only to create evidence for claiming higher rate of compensation and, therefore, are not genuine documents, is not supported by any evidence on record and is, in fact, based on conjectures and surmises. We, therefore, find that the second ground on which the High Court rejected Exhibits P-8 to P-10 while determining the market value of the acquired land was erroneous. However, there is substance in the view taken by the High Court that since Exhibits P-8 to P-10 relate to small pieces of land and, therefore, do not represent the correct market value of the acquired land. But at what extent Exhibits P-8 to P-10 are relevant for determining the market value of acquired land, it is for the court of fact to decide. Since Exhibit P-8 to P-10 were rejected outright by the high Court while determining the rate of compensation for the acquired land on untenable grounds, we are of the view that the matter requires reconsideration by the High Court. We, accordingly, set aside the judgment under challenge and remit the matter to the Learned Single Judge of the High Court to decide the appeals in the light of the observation made hereinbefore and in accordance with law.

The appeals are allowed. There shall be no order as to costs.

& & & & & & & & J.
(V.N.Khare)

& & & & & & & J.
(B.N.Agrawal)

New Delhi;
July 31, 2001

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