

A HARI RAM (DECEASED) THR. HIS LRS. AND ANR.

v.

LAND ACQUISITION COLLECTOR CUM
DISTRICT REVENUE OFFICER GURGAON AND ORS.

B (Civil Appeal No. 7762 of 2022)

OCTOBER 20, 2022

[M. R. SHAH AND M. M. SUNDRESH, JJ.]

Land Acquisition Act, 1894 – s.4 – Compensation –

- C *Enhancement of – Land in question came to be acquired under the provisions of the 1894 Act for setting up of Liquified Petroleum Gas Plant – Land Acquisition Officer determined and awarded the compensation @ Rs.5,30,000 per acre for irrigated lands and Rs. 2,00,000/- per acre for non-irrigated lands – Reference Court fixed compensation at Rs.5,30,000/- per acre for both irrigated as well*
- D *as the non-irrigated land – The High Court enhanced the amount of compensation to Rs.7,00,000/- per acre – Before the High Court and the Reference Court, the landowners had heavily relied upon the sale exemplars/sale instances produced as Ex. P1 to Ex.P4 – The High Court discarded the sale instances Exs. P1, P3 and P4*
- E *relied upon on behalf of the landowners by observing that there is a price variation between the sale deeds produced as Ex. P1 and the sale deeds produced as Exs. P3 and P4, thus opined that sale deeds produced as Exs. P3 and P4 are not genuine – On appeal, held: The sale deeds Exs. P1, P3 and P4 were by and/or in favour of a company and the variation in the prices mentioned in the Exs.*
- F *P1, P3 and P4 cannot be a ground to hold Exs. are not genuine – Exs. P3 and P4 are with respect to the smaller parcel of land considering that there has to be a proper deduction – Looking at Location, potentiality and the purpose of acquired lands, not much development was required like the housing scheme and/or as required*
- G *for other similar purposes, therefore, if 35% is deducted considering the evaluation with respect to Sale Deed at Ex. P4, the same can be said to be just, reasonable and proper compensation to the original landowners – Therefore, the original landowners shall be entitled to Rs. 12,16,800/- per acre towards compensation for the lands acquired – High Court judgment and order is modified to the said extent.*

Partly allowing the appeals, the Court

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HELD: 1. The reasoning given by the High Court discarding the sale exemplars/sale instances produced as Exs. P1, P3 and P4, this court is of the opinion that the High Court has committed a very serious error in discarding the sale instances/sale exemplars produced as Exs. P3 and P4. The High Court has not properly appreciated the fact that so far as the sale deed Ex. P1 is concerned, the same was executed by a company in favour of a private person and on the other hand, the sale deeds Exs. P3 and P4 were executed in favour of a company. Therefore, when after purchasing the land, a company had sold the land the prices are bound to be higher. Merely because the sale deeds Exs. P1, P3 and P4 were by and/or in favour of the company and there was variation in the prices mentioned in the Exs. P1, P3 and P4 cannot be a ground to hold that the sale exemplars Exs. P3 and P4 are not genuine and therefore required to be discarded. [Para 7][668-A-C]

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2. It will be safe to rely upon and/or consider the sale deeds produced as Exs. P3 and P4. However, at the same time, considering the fact that the Sale Deeds produced as Exs. P3 and P4 are with respect to the smaller parcel of land, there has to be a proper deduction on the ground of smaller area of the land and development. Looking to the location and the potentiality of the lands acquired and as the acquired lands were required to be used for Liquified Petroleum Gas Plant, not much development was required like the housing scheme and/or as required for other similar purposes, therefore, if 35% is deducted considering the evaluation with respect to Sale Deed at Ex. P4, the same can be said to be just, reasonable and proper compensation to the original landowners. Therefore, the original landowners shall be entitled to Rs. 12,16,800/- per acre towards compensation for the lands acquired. To the aforesaid extent, the impugned common judgment and order passed by the High Court is required to be modified. [Para 8][668-D-F]

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CIVIL APPELLATE JURISDICTION: Civil Appeal No. 7762
of 2022.

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A From the Judgment and Order dated 27.02.2019 of the High Court of Punjab and Haryana at Chandigarh in RFA No. 597 of 2004.

With

Civil Appeal Nos. 7764, 7766, 7765, 7763, 7770, 7771, 7767, 7768, 7772, 7769 of 2022.

B Rakesh Dahiya, Aditya Dahiya, Satyavan Kudalwal, Pukit Srivastava, Siddharth Mittal, Prabhat Kumar, Kshitiz Chauhan, Sahil Amarnath, Ms. Shilpa G. Mittal, Gaurav Kejriwal, Abdul Hamid, Abhimanyu Mahajan, Ms. Anubha Goel, Nagarkatti Kartik Uday, Ms. Prakriti Joshi, Mayank Joshi. Advs. for the Appellants.

C Mrs. Meenakshi Arora, Sr. Adv., Mrs. Priya Puri, Rishabh Sharma, Chandratanay Chaube, Ranjay Dubey, Sharad Puri, Samar Vijay Singh, Vipin Singh Bansal, Ms. Amrita Verma, Advs. for the Respondents.

The Judgment of the Court was delivered by

D **M. R. SHAH, J.**

1. Feeling aggrieved and dissatisfied with the impugned common judgment and order passed by the High Court of Punjab and Haryana at Chandigarh in First Appeal Nos. 597 of 2004 and other allied first appeals, by which the High Court has partly allowed the said first appeals and E has enhanced the amount of compensation for the lands acquired to Rs. 7,00,000/- per acre for irrigated and non-irrigated lands, the original landowners have preferred the present appeals.

2. That the lands in question situated within the revenue estate of Village Bhondsi, Tehsil Sohna, District Gurgaon came to be acquired F under the provisions of the Land Acquisition Act, 1894 (hereinafter referred to as the “Act, 1894”) for setting up of Liquified Petroleum Gas Plant at Bhondsi. Notification under Section 4 of the Act was issued on 19.06.1996. The Land Acquisition Officer determined and awarded the compensation @ Rs. 5,30,000/- per acre for irrigated lands and Rs. 2,00,000/- per acre for non-irrigated lands. The Reference Court G fixed the compensation at Rs. 5,30,000/- per acre for both the irrigated as well as the non-irrigated lands. By the impugned common judgment and order, the High Court has determined and enhanced the amount of compensation to Rs. 7,00,000/- per acre. Feeling aggrieved and dissatisfied with the impugned common judgment and order passed by H the High Court determining the compensation for the lands acquired @

Rs. 7,00,000/- per acre, the landowners have preferred the present appeals A for enhancement of the amount of compensation.

3. We have heard the learned counsel appearing on behalf of the landowners as well as Ms. Meenakshi Arora, learned Senior Advocate appearing on behalf of the beneficiaries – Indian Oil Corporation.

4. From the impugned common judgment and order passed by the High Court and even from the judgment and award passed by the Reference Court, it appears that the landowners heavily relied upon the sale exemplars/sale instances produced as Ex. P1 to Ex. P10. However, the landowners have heavily relied upon the sale exemplars / sale instances produced as Ex. P1 to Ex. P4, which are as under:-

Ex. No.	Date of Sale	Area Sold:		Sale Consideration	Rate per acre:
		K	M		
P1	10.04.1996	16	11	72,00,000.00	34,69,880.00
P2	21.08.1995	14	14	38,50,000.00	20,95,238.00
P3	15.04.1996	1	19	4,69,062.00	19,24,357.00
P4	15.04.1996	1	15	4,09,687.00	18,72,854.00

5. The acquiring body and the Indian Oil Corporation relied upon the sale exemplars/sale instances produced as Ex. R1 to Ex. R13, more particularly, Ex. R.12, which was also relied upon and considered by the Land Acquisition Officer, the particulars of Ex. R12 is as under:-

Ex. No.	Date of Sale	Area Sold:		Sale Consideration	Rate per acre:
		K	M		
R12	17.05.1996	16	0	13,40,000.00	6,70,000.00

6. By the impugned common judgment and order, the High Court has discarded the sale exemplars/sale instances Exs. P1, P3 and P4 relied upon on behalf of the landowners by observing that the said sale deeds are by or in favour of the company, M/s. Orient Express Pvt. Ltd. and there is a price variation between the sale deeds produced as Ex. P1 and the sale deeds produced as Exs. P3 and P4. Therefore, the High Court opined that the sale deeds/sale exemplars produced as Exs. P3 and P4 are not genuine. That thereafter, relying upon and considering the sale exemplar/sale deed produced as Ex. R12, the High Court has partly allowed the appeals and enhanced the amount of compensation to Rs. 7,00,000/- per acre, hence the present appeals are at the instance of the original landowners.

7. Having heard the learned counsel appearing on behalf of the respective parties and having gone through the impugned common

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- A judgment and order passed by the High Court and the reasoning given by the High Court discarding the sale exemplars/sale instances produced as Exs. P1, P3 and P4, we are of the opinion that the High Court has committed a very serious error in discarding the sale instances/sale exemplars produced as Exs. P3 and P4. The High Court has not properly appreciated the fact that so far as the sale deed Ex. P1 is concerned, the same was executed by M/s. Orient Express Pvt. Ltd. in favour of a private person and on the other hand, the sale deeds Exs. P3 and P4 were executed in favour of M/s Orient Express Pvt. Ltd. Therefore, when after purchasing the land, a company had sold the land the prices are bound to be higher. Merely because the sale deeds Exs. P1, P3 and P4 were by and/or in favour of the company and there was variation in the prices mentioned in the Exs. P1, P3 and P4 cannot be a ground to hold that the sale exemplars Exs. P3 and P4 are not genuine and therefore required to be discarded.
- 8. In view of the above, it will be safe to rely upon and/or consider the sale deeds produced as Exs. P3 and P4. However, at the same time, considering the fact that the Sale Deeds produced as Exs. P3 and P4 are with respect to the smaller parcel of land, there has to be a proper deduction on the ground of smaller area of the land and development. Looking to the location and the potentiality of the lands acquired and as the acquired lands were required to be used for Liquified Petroleum Gas Plant, not much development was required like the housing scheme and/or as required for other similar purposes, therefore, if 35% is deducted considering the evaluation with respect to Sale Deed at Ex. P4, the same can be said to be just, reasonable and proper compensation to the original landowners. Therefore, the original landowners shall be entitled to Rs. 12,16,800/- per acre towards compensation for the lands acquired. To the aforesaid extent, the impugned common judgment and order passed by the High Court is required to be modified.
- 9. In view of the above and for the reasons stated above, all these appeals succeed in part. The impugned common judgment and order passed by the High Court is hereby modified and it is observed and held that the original landowners shall be entitled to the compensation @ Rs. 12,16,800/- for the lands acquired with all other statutory benefits and the interest, which may be available under the provisions of the Act, 1894.

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All these appeals are partly allowed to the aforesaid extent. A
However, in the facts and circumstances of the case, there shall be no
order as to costs.

Ankit Gyan
(Assisted by : Aarsh Choudhary, LCRA)

Appeals partly allowed.