

Before Anil Kshetarpal, J.

**HARYANA STATE INDUSTRIAL & INFRASTRUCTURE
DEVELOPMENT CORPORATION—Appellant**

versus

KULBIR AND OTHERS—Respondents

RFA No.4163 of 2017 (O&M)

September 01, 2021

Constitution of India, 1950—Land Acquisition Act, 1894—Ss.4, 23 and 25—Reasonableness of compensation assessed by reference Court—Determining the market value—Court required to examine existing geographical location proximity to National or State Highway or any developed area—Relevant Court must also see as to what price a willing seller would sell the land to a willing buyer—Further, in order to assess compensation, one of the methods is to assess the market value by comparable sale method i.e. by referring to contemporaneous transactions—Court not expected to distribute public money is largesse—High Court found that there is no ground to interfere with the assessment of the lower Court—Petition dismissed.

Held that, it is apparent from the reading of the aforesaid statutory provisions that while determining the market value of the acquired land, the court is required to examine the existing geographical location of the acquired land apart from its existing and potential use. The Court is also required to examine as to whether the acquired land has proximity to the National Highway or the State Highway Road or any developed area. The market value of the other land situated in the same locality/area or adjacent to or very near to the acquired land can also be taken into consideration by the Court. While assessing the market value, the Court is required to see as to what would be the price on which a willing seller would sell the land to a willing purchaser. While assessing such compensation, one of the method is to assess the market value by comparable sale method i.e. by referring to contemporaneous transactions.

(Para 4.6)

Further held that, the Court is not expected to distribute the public money with largesse. It is the duty of the Court to maintain a proper equilibrium between the interest of the parties and the public interest, in general. If the Courts lean in favour of the landowners, the

government or the allottees are likely to be unnecessarily overburdened and it will result in distributing the public money without limits thereby impacting the public interest, at large whereas if the courts are inclined towards the government, it can result in undermining of just claims. Therefore, a proper balance has to be drawn guided by the facts of case and to preserve the public interest and the public resources, as a whole.

(Para 4.7)

Further held that, the Court while assessing the market value of the land of village Baliyana with respect to the notification under Section 4 of the 1894 Act, dated 13.02.2008, for developing Industrial Model Township has assessed the market value at the rate of Rs.17,20,000/- vide judgment (Ex.RX). The Reference Court, in the present case, has increased the market value from Rs.16,00,000/- to Rs.17,00,000/- per acre. In other words, the land owners have been awarded an increase of Rs.1,00,000/- per acre. The learned counsel representing the HSIIDC admits that the enhanced amount has already been paid to the landowners. It has also come on record that nearly 700 acres of the acquired land situated in village Baliyana was allotted by the HSIIDC to Maruti Suzuki India Limited at the rate of Rs.75,00,000/- per acre, vide allotment letter (Ex.R11), dated 13.08.2009. From a careful perusal of the allotment letter, it is apparent that the allottee has been made liable to level the land. No doubt, the HSIIDC would have provided infrastructural facilities like supply of electricity lines, sewerage roads, common area etc., however, the Court cannot overlook the fact that after a period of merely 3 years from the notification under section 4 of the 1894 Act, 700 acres of land out of the acquired land has been allotted at the rate of Rs.75,00,000/- per acre. Although the aforesaid transaction cannot be made the basis to determine the market value in view of bar contained in Section 24 (Fifthly) of the 1894 Act, however, the same can be taken into consideration while assessing the reasonableness of the compensation assessed by the Reference Court. Reliance in this context can be placed on the judgments in State of Orissa Vs. Brij Lal Misra (1995)5 SCC 203 and Land Acquisition Officer vs. Jasti Rohini (1995)1 SCC 717, respectively.

(Para 4.10)

Prateek Sodhi, Advocate
for the appellant in RFA-1354-2016 and

for the respondents in RFA-926-2017.

Puneet Bali, Senior Advocate with Gursher Bhandal, Advocate for Maruti Suzuki India Ltd. in RFA-2402-2017.

Ashwani Chopra, Senior Advocate with Pritam Singh Saini, Advocate, Vishal Garg, Advocate for the HSIIDC/appellant in RFA Nos.926 to 961, 963 to 984 and 1069 to 1075 of 2017.

for the HSIIDC/respondent in RFA Nos.1105 to 1116, 1105, 1154, 1155, 1256 to 1260, 1354, 1150, 1153, 4005, 4007 of 2016 and RFA Nos.4003, 4004, 4006, 4008, 4010, 4011, 216 to 218, 1533, 1491 to 1499, 1733, 4605, 1534 to 1538 of 2017 and RFA Nos.4223, 8416, 4222, 3843, 2198, 179 of 2018 and RFA Nos.378 and 564 of 2019.

Rakesh Nehra, Senior Advocate with Atul Ravish, Advocate for the appellants in RFA Nos.4950, 4951 of 2016, RFA No.332 of 2017.

S.P. Chahar, Advocate, for the appellants-landowners in RFA Nos.429 to 465, 518 to 529, 613 to 627, 678 to 681, 994 to 997, 1045, 1273 to 1276, 1628, 2354, 2355, 3146 of 2017.

for the respondents-landowners in RFA Nos.4164, 4202, 4207, 4210, 4252, 4256, 4258, 4262, 4267, 4270, 4272, 4276, 4285 to 4288, 4290, 4312, 4319, 4343, 4345, 4348, 4352, 4354, 4358, 4360, 4361, 4363, 4367, 4370, 4394, 4399 to 4404, 4407, 4412, 4416, 4425, 4426, 4428, 4431, 4452 to 4454, 4456, 4457, 4460, 4462, 4463, 4465, 4466, 4468, 4490, 4493, 4494, 4495, 4497, 4498 of 2017.

Sahil Gupta, Advocate, for the respondents in RFA Nos.4452, 4074, 4453, 4461, 4455, 4481, 4618, 4457 of 2019.

Nilesh Bhardwaj, Advocate, for the respondents in RFA No.943 of 2017.

N.K. Malhotra, Advocate for Ashwani Verma, Advocate, Sandeep K. Sharma, Advocate, Kulvir Narwal, Advocate, M.S. Rana, Advocate, Rahul Deswal, Advocate, Uday Agnihotri, Advocate, for the landowners.

Saurabh Dalal, Advocate, for the appellants in RFA Nos.4223, 4222 of 2018 and RFA Nos.2016, 2441 of 2019.
for the respondents in RFA Nos.939 and 952 of 2017.

Sudhir Hooda, Advocate, for the appellants-landowners in RFA Nos.2460, 2466, 1146 of 2017, for the respondents-landowners in RFA Nos.4209, 4344,4356, 4364 of 2017.

Rajiv Sharma, Advocate, for the appellants-landowners in RFA Nos.2703 of 2017 and RFA Nos.4003 to 4011 of 2016 and for the respondents-landowners in RFA Nos.933, 961, 980, 936, 964, 931, 974, 928, 1070, 4740 of 2017 for cross-objectors in XOBJR-6-2021 in RFA-4679-2017.

Arun Beniwal, DAG, Haryana and
Shivendra Swaroop, AAG, Haryana.

ANIL KSHETARPAL, J.

The hearing of the case was held through videoconferencing on account of restricted functioning of the Courts.

(1) Through these Regular First Appeals (details whereof are on the footnote of the judgment), filed under Section 54 of the Land Acquisition Act, 1894 (hereinafter referred to as the '1894 Act'), the correctness of the market value of Rs. 17,00,000/- per acre of the acquired land assessed by a common judgment dated 30.08.2016 passed by Additional District Judge, Rohtak, has been assailed. Learned counsel representing the parties are ad idem that these appeals can be conveniently disposed of by a common judgment.

(2) Facts:-

(2.1) In order to utilize the agricultural land for setting up Industrial Model Township, Rohtak, the Haryana Government issued a notification under Section 4 of the 1894 Act on 09.06.2006, proposing to acquire the land situated in the villages of Kheri Sandh and Baliyana, District Rohtak. The Land Acquisition Collector assessed the market value of the acquired land measuring 5848 Kanals and 1 Marla located in Village Baliyana @ 16,00,000 per acre vide award No. 6 dated 15.05.2007. Subsequently, the Reference Court has enhanced the market value @ 17,00,000/- per acre. By this judgment, the appeals and cross appeals, filed by the Haryana State Industrial Infrastructure Development Corporation (HSIIDC) as well as the owners of the land located in village Baliyana, respectively, shall stand disposed of.

(2.2) The land owners claim that the market value of the land, at

the time of issuance of notification under Section 4 of the 1894 Act, was assessed at the rate of Rs.50,00,000/- per acre, in respect of Nehri/chahi land as the acquired land was quite fertile and used to give a good yield. Whereas the HSIIDC asserts that the amount awarded by the Land Acquisition Collector is correct and the Reference Court has erred in enhancing the market value of the acquired land from Rs. 16,00,000/- per acre to Rs. 17,00,000/- per acre. During the pendency of the proceedings before the Reference Court, Maruti Suzuki India Limited became a party respondent and filed its counter reply supporting the case of the HSIIDC.

(2.3) On completion of the pleadings, the following issues were culled out:-

“(1) What was the market value of the acquired land at the time of issuance of notification under Section 4 of the Land Acquisition Act, 1894? OPP.

i. Whether the petitioners are entitled to any amount of enhanced compensation, as alleged, if so to what extent? OPP.

ii. Whether the petition is not maintainable? OPR.

iii. Whether the petitioners have no locus standi to file the present petition? OPD.

iv. Relief.”

(2.4) In order to prove their case, the land owners examined PW1 Ram Phal, PW 2 Kaptan, PW 3 Ram Chander, PW4 Baljit Singh, PW5 Zile Singh, PW6 Shish Pal, PW7 Munish Ram, PW8 Harpal and PW9 Ram Dhan (retired Kanoongo) whereas the HSIIDC examined Krishan (Patwari) as RW1 and Maruti Suzuki India Limited examined Surinder Kumar (Advisor Legal).

(2.5) The landowners as well the State of Haryana produced various sale deeds, in order to help the court to determine the market value, the same have been extracted in the later part of the judgment. In the judgment passed in the lead case-Splendour Land Base Limited versus State of Haryana (Ex.P11), while determining the market value of the land situated in village Kheri Sadh, the reference court has assessed the market value of the acquired land abutting the National Highway upto the depth of one acre @ Rs.24,00,000/- whereas in respect of the remaining land situated in village Kheri Sadh, the market value has been assessed at Rs.19,77,000/- per acre. The land owners

have also produced another judgment passed by the Court assessing the market value of the land located in village Kheri Sadh @ Rs. 24,50,000/- per acre in respect of the land upto the depth of 1 acre adjoining the National Highway-10 whereas the remaining land is assessed @ Rs. 21,37,000/- per acre with respect to the subsequent acquisition of the land vide notification dated 13.02.2008 under Section 4 of the 1894 Act. The landowners have also produced another judgment relating to compulsory acquisition of the land situated in village Baliyana. In this case, notification under Section 4 of the 1894 Act was issued on 13.02.2008. The court assessed the market value at Rs.17,20,000/- per acre.

(3) Submissions of Learned counsels:-

(3.1) Heard learned counsel for the parties at length and with their able assistance perused the judgment passed by the court as well as the record of the reference court which was requisitioned.

(3.2) On the one hand, learned Senior Counsel representing the HSIIDC contends that the land owners failed to produce any sale deed or comparable sale exemplars which existed prior to the date of notification under Section 4 of the 1894 Act and the court has erred in enhancing the market value by Rs.1,00,000/- per acre i.e from Rs.16,00,000/- to Rs.17,00,000/- per acre. He contends that the location of the land situated in village Kheri Sadh is better when compared with the land of village Baliyana. He, hence, prays for acceptance of the appeals.

(3.3) Per contra, learned counsel representing the land owners contends that the land of villages Kheri Sadh and Baliyana abut each other and the purpose of compulsory acquisition is common. Not only the notification, under Section 4 of the 1894 Act, is same, even the assessment made by the Land Acquisition Collector is equal. Hence, he contends that the land owners of the village Baliyana are also entitled to the same compensation as has been awarded to the land owners of village Kheri Sadh.

(4) Analysis by the Bench

(4.1) It may be noted here that by a judgment in RFA No. 926 of 2017 of the even date, the appeals with respect to the land located in village Kheri Sadh have been decided while enhancing the market value of the land abutting National Highway-10 upto the depth of one

acre @ 28,69,910/- per acre whereas the assessment of the market value of the remaining land of village Kheri Sadh has been maintained.

(4.2) On a careful reading of the oral evidence, it has come on record that the land of village Kheri Sadh abuts National Highway no.10. The piece of land which is located on a National Highway ordinarily fetches more price when compared with the land which lies in the interiors and which is located far away from the National Highway unless there is some other reason. It has come in evidence that the land of village Baliyana though located on a village road but is at a distance of only 1 km from the National Highway no.10. From a perusal of the draft development plan 2021 AD, prepared vide drawing no. DD (R) 1763-09 dated 25.11.2009, it is apparent that village Kheri Sadh falls inside the Pheripheral road of Rohtak City whereas the major part of the village Baliyana falls outside the peripheral road. Hence, the argument of the learned counsel that the land owners of village Baliyana are also entitled to the same market value as has been assessed with respect to the acquired land of Village Kheri Sadh has no force.

(4.3) At this stage, it would be appropriate to notice the comparable sale deeds produced by both the parties, which are extracted as under:-

Sr. No.	Exhibit No. (Sale Deed No.)	Date of Sale Deed	Total Sale Consideration	Land Area	Village	Remarks
1.	Ex.P1 (441)	25/05/2007	Rs.1,93,49,760/- Price Per Marla : Rs.29,999.62 Per Acre: Rs.47,999,40/-	32 kanals 5 Marlas	Kharawar	
2.	Ex.P2 (120)	16/04/2007	Rs.8,06,400/- Per Marla : Rs.29,866.66 Per Acre : Rs.47,786,66/-	1 kanal 7 Marlas	Kharawar	
3.	Ex.P3 (133)	06/04/2007	Rs.40,00,000/- Per Malra : Rs.12,500/- Per Acre :	16 Kanal	Baliana	

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			Rs.2,00,000/-			
4.	Ex.P4 (682)	26/06/2006	Rs.50,00,000/- Per Marla : Rs.15,625/- Per Acre : Rs.25,00,000/-	16 Kanal	Kheri Sadh	
5.	Ex.P5 (2147)	06/10/2009	Rs.2,600,000/- Per Marla : Rs.32,500/- Per Acre : Rs.5,200,000/-	4 kanal	Baliana	
6.	Ex.P6 (710)	01/07/2010	Rs.5,70,37,200 Per Marla : Rs.1,467,006/- Per Acre : Rs.234,720,987/-	19668 sq. metres 138.88 kanals	Baliana	
7.	Ex.P7 (173)	28/04/2010	Rs.1,25,00,000/- Per Marla :625,000/- Per Acre :100,000,000/-	2.5 acres (20 kanals)	Kheri Sadh	
8.	Ex. PW 10/A (33)	06/04/2007	Rs.40,00,000 Per Marla : Rs.12,500/- Per Acre : Rs.2,000,000/-	16 kanals	Baliana	
9.	Ex.R2 (1337)	08/09/2006	500000 Per Marla: 3,125/- Per Acre: 5,00,000/-	8 kanals	Baliana	
10.	Ex.R3 (951)	31/07/2006	800000 Per Marla: 5,000/- Per Acre: 8,00,000/-	8 kanals	Baliana	
11.	Ex.R4 (2407)	12/01/2007	300000 Per Marla: 3,750/- Per Acre: 6,00,000/-	4 kanals	Baliana	

12.	Ex.R2/2 (184)	05/05/2006	11,25,000 Per Marla: 3,125/- Per Acre: 5,00,000/-	18 kanals	Baliana	
13.	Ex.R2/3 (192)	05/05/2006	2,50,000 Per Marla: 3,125/- Per Acre: 5,00,000/-	4 kanals	Baliana	
14.	Ex.R2/4 (185)	05/05/2006	500000 Per Marla: 3,125/- Per Acre: 5,00,000/-	8 kanals	Baliana	
15.	Ex.R2/5 (13967)	09/03/2006	1,50,000/- Per Marla: 3,409.09 Per Acre: 5,45,454/-	2 kanals 4 marlas	Baliana	
16.	Ex.R2/6 (892)	04/05/2006	1,87,500/- Per Marla: 3,125/- Per Acre: 5,00,000/-	3 kanals	Baliana	
17.	Ex.R2/7 (14921)	31/03/2006	1,06,500/- Per Marla: 3,132,35 Per Acre: 5,01,176/-	1 kanal 14 marlas	Baliana	
18.	Ex.R2/8 (14827)	30/03/2006	2,50,000 Per Marla: 2,480.90 Per Acre: 4,54,545/-	4 kanal 8 marlas		
19.	Ex.R2/9 (3115)	04/07/2006	700000 Per Marla: 3,153.15 Per Acre: 5,04,504/-	11 kanals 2 marlas		

(4.4) Before this bench examines the contention of the learned counsel representing the parties, it would be appropriate to notice the relevant provisions of the 1894 Act. Section 15 of the 1894 Act provides that while determining the amount of compensation, the Collector shall be guided by the provisions contained in Section 23 and

24 of the 1894 Act. Hence, Section 23 to 25 of the 1894 Act are extracted as under:-

“23. Matters to be considered in determining compensation (1) In determining the amount of compensation to be awarded for land acquired under this Act, the Court shall take into consideration—

first the market-value of the land at the date of the publication of the [notification under Section 4, sub- section (1).

secondly the damage sustained by the person interested, by reason of the taking of any standing crops or trees which may be on the land at the time of the Collector's taking possession thereof;

thirdly the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of severing such land from his other land;

fourthly the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of the acquisition injuriously affecting his other property, movable or immovable, in any other manner, or his earnings;

fifthly if, in consequence of the acquisition of the land by the Collector, the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change, and

sixthly the damage (if any) *bona fide* resulting from diminution of the profits of the land between the time of the publication of the declaration under Section 6 and the time of the Collector's taking possession of the land.

[(1-A) In addition to the market-value of the land, as above provided, the Court shall in every case award an amount calculated at the rate of twelve per centum per annum of such market-value for the period commencing on and from the date of the publication of the notification under Section 4, sub-section (1), in respect of such land to the date of the award of the Collector or the date of taking possession of

the land, whichever is earlier.

Explanation.—In computing the period referred to in this sub-section, any period or periods during which the proceedings for the acquisition of the land were held up on account of any stay or injunction by the order of any court shall be excluded.]

(2) In addition to the market-value of the land, as above provided, the Court shall in every case award a sum of [thirty per centum] on such market-value, in consideration of the compulsory nature of the acquisition.

24. Matters to be neglected in determining compensation -But the Court shall not take into consideration—

first, the degree of urgency which has led to the acquisition;

secondly, any disinclination of the person interested to part with the land acquired;

thirdly, any damage sustained by him, which, if caused by a private person, would not render such person liable to a suit;

fourthly, any damage which is likely to be caused to the land acquired, after the date of the publication of the declaration under Section 6, by or in consequence of the use to which it will be put;

fifthly, any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired;

sixthly, any increase to the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put;

seventhly, any outlay or improvements on, or disposal of, the land acquired, commenced, made or effected without the sanction of the Collector after the date of the publication of the [notification under Section 4, sub-section (1)]; or

[*eighthly*, any increase to the value of the land on account of its being put to any use which is forbidden by law or opposed to public policy.]

25. Amount of compensation awarded by court not to

be lower than the amount awarded by the Collector - The amount of compensation awarded by the Court shall not be less than the amount awarded by the Collector under Section 11.”

(4.5) It is apparent from the reading of the first part of Section 23 of the 1894 Act that the market value of the land is required to be determined on the date of publication of the notification under Section 4 (1) of 1894 Act. Hence, the crucial date for determining the market value is 09.06.2006. No further guidelines for assessment of the amount have been provided in the 1894 Act. Sub-section 1-A of section 23 of the 1894 Act provides that while determining the amount of compensation to be awarded for the land acquired, the court apart from the market value of the land, is also required to award an amount calculated at the rate of 12% per annum at such market value for the period commencing on and from the date of publication of notification under Section 4 (1) of the 1894 Act till the date of award passed by the Collector or till the date of taking possession of the land, whichever is earlier. Under sub-section 2 of section 23 of the 1894 Act, the court, in addition to the market value of the land, is required to award a sum of 30% on such market value towards compulsory nature of the acquisition. Section 24 of the 1894 Act enlists the various factors which are required to be ignored while determining the market value. Section 25 of the 1894 Act provides that the court shall not award the amount of compensation which is lower than the amount awarded by the Collector.

(4.6) It is apparent from the reading of the aforesaid statutory provisions that while determining the market value of the acquired land, the court is required to examine the existing geographical location of the acquired land apart from its existing and potential use. The Court is also required to examine as to whether the acquired land has proximity to the National Highway or the State Highway Road or any developed area. The market value of the other land situated in the same locality/area or adjacent to or very near to the acquired land can also be taken into consideration by the Court. While assessing the market value, the Court is required to see as to what would be the price on which a willing seller would sell the land to a willing purchaser. While assessing such compensation, one of the methods is to assess the market value by comparable sale method i.e. by referring to contemporaneous transactions.

(4.7) While adjudicating the market value of the acquired land, the Courts are expected to award “just” and “appropriate” amount on the basis of the material available on record. The Court is not expected to distribute the public money with largesse. It is the duty of the Court to maintain a proper equilibrium between the interest of the parties and the public interest, in general. If the Courts lean in favour of the landowners, the government or the allottees are likely to be unnecessarily over-burdened and it will result in distributing the public money without limits thereby impacting the public interest, at large whereas if the courts are inclined towards the government, it can result in undermining of just claims. Therefore, a proper balance has to be drawn guided by the facts of case and to preserve the public interest and the public resources, as a whole.

(4.8) In the present case, it is apparent from the compilation, which has been extracted above, that the land owners have failed to produce any sale instances (sale deeds) of village Baliyana with respect to the period prior to the date of notification, u/s 4 of the 1894 Act, dated 09.06.2006. From a perusal of the tabulated information, it is apparent that the land owners have produced the copies of the sale deeds- Ex.P3, P5, P6 and PW10/A with respect to the land of Village Baliyana, however, all these sale deeds have been executed subsequent to the date of notification issued under Section 4 of the 1894 Act. As per the provisions of the 1894 Act, the market value of the land is to be determined in accordance with the market value prevailing on the date of notification under Section 4 of the 1894 Act. On the other hand, the respondents have also produced various sale deeds which are also relating to the period subsequent to the notification under Section 4 except Annexure R2/2 R2/3 and R2/4. The remaining sale deeds are with respect to other villages. Neither the land owners nor the State Government have led any evidence to prove as to how the land which is the subject matter of sale deeds referred above and is located in other villages is comparable with the land involved in the present case.

(4.9) On a careful perusal of the sale deeds Ex.R-2/2, R-2/3 and R-2/4, it is apparent that the vendor in all the sale deeds is common whereas in two sale deeds the vendee is Sunita Rani wife of Dharam Pal whereas in the third one, the vendee is one Ashok Kumar. All the vendees are residents of Village Bohar. The State has not produced any evidence to prove that how the location of the land covered by the sale deeds (Ex.R-2/2, R-2/3 and R-2/4) is comparable with the acquired

land. Hence, the sale exemplars Ex. R-2/2, R-2/3 and R-2/4 cannot be made the basis to reduce the market value assessed by the reference court. Both the parties have failed to establish the applicability or relevancy of the respective sale exemplars produced in their support.

(4.10) As already noticed, the Court while assessing the market value of the land of village Baliyana with respect to the notification under Section 4 of the 1894 Act, dated 13.02.2008, for developing Industrial Model Township has assessed the market value at the rate of Rs.17,20,000/- vide judgment (Ex.RX). The Reference Court, in the present case, has increased the market value from Rs.16,00,000/- to Rs.17,00,000/- per acre. In other words, the land owners have been awarded an increase of Rs.1,00,000/- per acre. The learned counsel representing the HSIIDC admits that the enhanced amount has already been paid to the landowners. It has also come on record that nearly 700 acres of the acquired land situated in village Baliyana was allotted by the HSIIDC to Maruti Suzuki India Limited at the rate of Rs.75,00,000/- per acre, vide allotment letter (Ex.R11), dated 13.08.2009. From a careful perusal of the allotment letter, it is apparent that the allottee has been made liable to level the land. No doubt, the HSIIDC would have provided infrastructural facilities like supply of electricity lines, sewerage roads, common area etc., however, the Court cannot overlook the fact that after a period of merely 3 years from the notification under section 4 of the 1894 Act, 700 acres of land out of the acquired land has been allotted at the rate of Rs.75,00,000/- per acre. Although the aforesaid transaction cannot be made the basis to determine the market value in view of bar contained in Section 24 (Fifthly) of the 1894 Act, however, the same can be taken into consideration while assessing the reasonableness of the compensation assessed by the Reference Court. Reliance in this context can be placed on the judgments in *State of Orissa versus Brij Lal Misra*¹ and *Land Acquisition Officer versus Jasti Rohini*², respectively.

(4.11) Keeping in view the aforesaid facts, this Bench is of the considered view that there is no ground to interfere with the assessment made by the court below. Hence, the appeals, cross-appeals and cross objections filed by the HSIIDC as well as the land owners, are ordered

¹ (1995)5 SCC 203

² (1995)1 SCC 717

tobe dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

Dr. Payel Mehta