
1. RFA-4549-2017 (O&M)

...Appellant(s)

...Respondent(s)

Sr. No.	Case No.	Appellant(s)	Respondent(s)
2.	RFA-6809-2013 (O&M)	Avtar Singh	Land Acquisition Collector and Others
3.	RFA-6810-2013 (O&M)	Kulwant Singh	Land Acquisition Collector and Others
4.	RFA-6811-2013 (O&M)	Gurdev Kaur	Land Acquisition Collector and Others
5.	RFA-6812-2013 (O&M)	Gurnam Kaur and Another	Land Acquisition Collector and Others
6.	RFA-6131-2014 (O&M)	Jarnail Singh	Land Acquisition Collector and Others
7.	RFA-6132-2014 (O&M)	Balbair Singh (Deceased) Through LRs And Others	Land Acquisition Collector and Others
8.	RFA-6133-2014 (O&M)	Sher @ Shamsher Singh and Others	Land Acquisition Collector and Others
9.	RFA-9697-2014 (O&M)	Dhanna Singh and Others	Land Acquisition Collector and Others
10.	RFA-6333-2014 (O&M)	Surjit Singh	Land Acquisition Collector and Others
11.	RFA-6334-2014 (O&M)	Bhola Singh	Land Acquisition Collector and Others
12.	RFA-6337-2014 (O&M)	Gurmeet Singh	Land Acquisition Collector and Others
13.	RFA-6565-2014 (O&M)	Northern Railways Through Chief Engineer	Jasvir Singh and Others
14.	XOBJR-264-CI-2016 (O&M)	Northern Railways Through Chief Engineer	Jasvir Singh and Others
15.	RFA-6566-2014 (O&M)	Northern Railways Through Chief Engineer	Nachattar Kaur and Others
16.	RFA-6567-2014	Northern Railways Through Chief Engineer	Ranjit Singh and Others
17.	XOBJR-265-CI-2016 (O&M)	Northern Railways Through Chief Engineer	Gurjit Singh and Others
18.	RFA-6569-2014 (O&M)	Northern Railways Through Chief Engineer	Gurjit Singh and Others
19.	XOBJR-266-CI-2016 (O&M)	Northern Railways Through Chief Engineer	Ranjit Singh and Others

20.	RFA-6570-2014 (O&M)	Northern Railways Through Chief Engineer	Gurmeet Singh and Others
21.	RFA-6568-2014 (O&M)	Northern Railways Through Chief Engineer	Bhola Singh and Others
22.	RFA-6571-2014 (O&M)	Northern Railways Through Chief Engineer	Surjit Singh and Others
23.	RFA-6572-2014 (O&M)	Northern Railways Through Chief Engineer	Gurcharan Singh and Others
24.	RFA-7707-2014 (O&M)	Nachattar Kaur	Land Acquisition Collector and Others
25.	RFA-8170-2014 (O&M)	Gurcharan Singh	Land Acquisition Collector and Others
26.	RFA-8670-2014 (O&M)	Northern Railways Through Chief Engineer	Baljit Singh and Others
27.	RFA-8671-2014 (O&M)	Jaswant Singh and Others	Land Acquisition Collector and Others
28.	RFA-9068-2014 (O&M)	Baljit Singh	Land Acquisition Collector and Others
29.	RFA-3225-2015 (O&M)	Sampuran Singh and Others	Land Acquisition Collector and Others
30.	RFA-7246-2014 (O&M)	Avtar Singh and Another	State of Punjab and Another
31.	RFA-7248-2014 (O&M)	Daljinder Singh and Others	State of Punjab and Another
32.	RFA-7247-2014 (O&M)	Harpinder Singh	State of Punjab and Another
33.	RFA-8069-2014 (O&M)	Achhra Singh	State of Punjab and Another
34.	RFA-836-2015 (O&M)	Rajinder Singh	State of Punjab
35.	RFA-3530-2016 (O&M)	Union of India	Karnail Singh (Deceased) Through LRs And Others
36.	RFA-3370-2017 (O&M)	Northern Railways Through Chief Engineer	Sampuran Singh and Others
37.	RFA-3875-2017 (O&M)	Surjit Singh (Deceased) Through LRs	State of Punjab
38.	RFA-3256-2018 (O&M)	Land Acquisition Collector	Union of India and Others
39.	XOBJR-5-2019 (O&M)	Land Acquisition Collector	Union of India and Others
40.	RFA-3916-2018 (O&M)	Union of India and Another	Jaswant Singh (Deceased) Through LRs And Another
41.	XOBJR-7-2019 (O&M)	Union of India and Another	Jaswant Singh (Deceased) Through LRs And Others
42.	RFA-2935-2015 (O&M)	Jaswant Singh and Others	State of Punjab
43.	RFA-2108-2021 (O&M)	Union of India	Hardam Singh (Deceased) Through LRs And Others

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. B.P.S. Virk, Advocate
for the appellants in RFA Nos.3875 and 4549 of 2017.

Mr. Namit Gautam, Advocate
for the appellants in RFA Nos.6334, 6809, 6333, 6337, 7707,
6571, 6330 & 8170 of 2014 and RFA No.3225 of 2015;
for the respondents in RFA Nos.6568, 6566, 6570, 6571

& 6572 of 2014 and RFA-3370-2017.

Mr. Harsh Chopra, Advocate (Through V.C.) and
Mr. Satnam Singh, Advocate for the respondents
in RFA Nos.6809, 6812, 6811 and 6810 of 2013;
RFA Nos.6132, 6133, 7246, 8069, 7247, 6131 and
7248 of 2014; RFA Nos.836 and 2935 of 2015;
RFA Nos.2011, 2012 and 2013 of 2016;
RFA No.3916 of 2018; and RFA No.9697 of 2020 and
for the respondent in RFA No. 3530 of 2020.

Ms. Ramita Puri, Advocate and
Mr. Gurkiran Singh, Advocate
for the appellant in RFA No.9068 of 2014 and
for the respondent in RFA No.8670 of 2014.

Mr. K.S. Sidhu, Senior Advocate with
Mr. Praagbir Singh Dhindsa, Advocate and
Mr. Kartik Bansal, Advocate
for the cross-objectors in XOBJR-264-CI-2016 in
RFA No.6565 of 2014, XOBJR-266-CI-2016 in RFA
No.6567 of 2014 and XOBJR-265-CI-2016 in
RFA No.6569 of 2014.

Mr. M.K. Balli, Advocate
for the respondent in RFA No.4549 of 2017.

Mr. Kashmir Singh, Advocate
for the cross-objectors in XOBJR-5-2019 in
RFA No.3256 of 2014.

Mr. Brijender Kaushik, Senior Standing Counsel
for the appellant in RFA No.2108 of 2021.

Ms. Promila Nain, Senior Advocate/Sr. Panel Counsel with
Ms. Ruchita Garg, Advocate (Through V.C.)
for the respondent-UI in RFA Nos.6565, 6569, 6570, 6571,
6572, 6566, 6567, 6568, 8671 and 8670 of 2014.

Mr. Rajiv Sharma, Senior Central Government Counsel,
Mr. Sunil Kumar Sharma, Senior Panel Counsel with
Mr. Vinayak Atri, Advocate,
Ms. Indu Bala Sharma, Advocate and
Mr. Somesh Gupta, Advocate
for Union of India.

Mr. Puru Jarewal, DAG, Punjab.

JAGMOHAN BANSAL, J. (ORAL)

1. As common issues are involved in the captioned appeals & cross-objections, with the consent of both sides, the same are hereby disposed of by this common order. Landlords as well as Union of India are in appeal. Appeals relate to 4 Villages namely Begowal, Rampur-I, Rampur-II and Katana. For the sake of brevity and convenience, facts are borrowed from ***RFA-4549-2017***.

2. The appellant-landowner through instant appeal is seeking setting aside of award dated 29.08.2013 whereby learned Additional District Judge, Ludhiana (hereinafter called as 'Reference Court') has not granted claimed amount of compensation.

3. The State Government issued notification dated 24.09.2007 under Section 4 of the Land Acquisition Act, 1894 (for short '**1894 Act**') for acquisition of land situated within the revenue estate of village Begowal, Rampur-I, Rampur-II, Katana and Barwala. All the villages fall within Tehsil Payal, District Ludhiana. Land was to be acquired to lay down railway line. The said notification was followed by notification dated 29.03.2008 issued under Section 6 of 1894 Act.

4. The Collector vide Award dated 28.05.2009 in terms of provisions of 1894 Act, determined compensation payable to landowners. Market value of the acquired land was determined at the rate of ₹25 Lakh per acre. Landowners were held entitled to solatium and other statutory benefits. Feeling dis-satisfied from aforesaid award, landowners preferred petitions before the Collector which were referred to Court under Section 18 of the 1894 Act.

5. The landowners as well as State, in support of their contentions, led their evidence. The State attempted to justify market value determined by Collector, however, landowners vehemently pleaded that value of their land has been assessed on lower side.

6. The Reference Court, appreciating evidence led by both sides, by impugned common award adjudicated two petitions. The Reference Court did not enhance market value of the acquired land, however, granted severance charges at the rate of 20% of the compensation awarded. The State as well as landowners are in appeal before this Court.

7. Learned counsel for the appellant/landlord whose land is located in village Rampur-I submits that respondent vide award dated 28.05.2009 determined market value of acquired land at the rate of ₹25 lakh per acre. The said value was based upon opinion of District Level Price Fixation Committee. The appellant was granted solatium as well as 12% addition as per Section 23. The land acquired was 2 Bigha 8 Biswas, however, possession was taken of additional 15 Biswas. The respondent passed separate award with respect to 15 Biswas. By award dated 28.06.2013 market value was determined ₹50 lakh per acre. By determining market value of part of the acquired land at the rate of ₹50 lakh per acre, the respondent conceded that market value of land should be ₹50 lakh per acre. Market value of land of village Rampur-II and Katana has been assessed at the rate of ₹50 per acre.

Learned counsel for the appellants whose land is located in village Begowal submits that village Rampur as well as Begowal fall

within same Sub-Division i.e. Payal. Both the villages are adjoining to each other. The Reference Court has determined value of their land at the rate of ₹25 lakh whereas value of village Katana as well as Rampur-II has been determined at the rate of ₹50 lakh per acre.

Learned counsel for appellants whose land fall within village Katana submit that Reference Court has not awarded interest on solatium as well as compensation towards severance of land though has been awarded to many similarly situated persons at the rate of 20% of market value.

8. *Per contra*, learned counsel for Union of India submit that by common notification, land of five villages was acquired. Market value of village Barwala was determined at the rate of ₹50 lakh per acre. The Union of India filed **RFA-2732-2014** assailing determination of value of village Barwala at the rate of ₹50 lakh per acre. This Court vide order dated 05.11.2014 dismissed Union's appeal, thus, issue with respect to value of land of village Barwala has attained finality. On the basis of value of land of village Barwala, the Reference Court has determined market value of land of village Rampur-II and Katana at the rate of ₹50 lakh per acre. The Union of India filed **RFA-7025-2014** with respect to determination of value of land of village Rampur at the rate of ₹25 lakh. The said appeal stands dismissed by this Court vide order dated 05.11.2014. The order of Reference Court has merged in the order of this Court, thus, value of land of village Rampur cannot be made equal to other villages.

9. Heard the arguments and perused the record.
10. From the perusal of record and arguments of stakeholders, it is evident that State vide notification dated 24.09.2007 read with notification dated 29.03.2008 acquired land situated in 5 villages namely Barwala, Rampur-I, Rampur-II, Begowal and Katana, Tehsil Payal, District Ludhiana. The land was acquired for laying down railway line. Relevant date for the determination of market value of the acquired land was 24.09.2007 i.e. date of notification under Section 4 of 1894 Act. The Collector determined ₹25 Lakh per acre market value of the acquired land. The landowners were held entitled to statutory benefits besides market value of the acquired land. The landowners filed reference petitions and Reference Court vide impugned award has partly allowed their claim.
11. The dispute before this Court is confined to assessment of market value of the land in question. The Collector determined market value of the land as ₹25 Lakh per acre whereas Reference Court has declined to interfere with the value determined by the Collector. The landowners produced evidence in support of their contentions.

Interest on solatium:

12. Few appellants have raised questions of non-payment of interest on solatium. A Five Judge Bench of Hon'ble Supreme Court in '*Sunder Versus Union of India*', 2001(7) SCC 211 has clearly held that interest is payable on solatium. Learned counsel for Union of India is unable to dispute said legal position, thus, it is hereby held that all the appellants who have not been awarded interest on solatium would be

entitled to interest on solatium like interest on market value.

Market value of land of village Rampur-I & Begowal:

13. There is no dispute that respondent acquired 2 Bigha 8 Biswas land of appellant (*RFA-4949-2017*). Possession was taken of 15 Biswas more than acquired land. The respondent passed supplementary award with respect to excess land. By supplementary award, value of land was determined at the rate of ₹50 lakh per acre. Said land falls within village Rampur. It is apt to notice here that value of aforesaid 15 Biswa land was determined vide award dated 28.06.2013 whereas possession of land was taken over along with 12 Bigha 8 Biswas land which was acquired under notification dated 24.09.2007. The respondent for the additional land issued notification dated 27.06.2012 under Section 4. Though a separate notification under Section 4 was issued with respect to 15 Biswas land, however, aforesaid land had already been taken over along with acquired land. Award dated 28.06.2013 was, in a way, supplementary award though was passed after issuing fresh notification under Section 4. This indicates that respondent accepted value of acquired land ₹50 lakh per acre. By award dated 28.06.2013, the market value of land falling within village Begowal as well as Rampur-I and Rampur-II has been determined ₹50 lakh per acre.

14. Learned Reference Court vide award dated 21.02.2014 has determined value of land falling within village Katana. Village Katana as well as Rampur, Begowal and Barwala fall within same Tehsil i.e. Payal and District Ludhiana. The Reference Court has concluded that Katana is at a distance of 1½ kilometer from Chandigarh-Ludhiana Road whereas

village Barwala is at a distance of about 6 kilometer from Chandigarh-Ludhiana Road. Market value of land in village Barwala has been determined at the rate of ₹50 lakh per acre, thus, value of land within village Katana needs to be determined at the rate of ₹50 lakh. Village Rampur-II is at a distance of 1½ kilometer from Chandigarh-Ludhiana Road. The Reference Court vide award dated 18.04.2013 has determined market value of land in village Rampur-II at the rate of ₹50 lakh per acre, however, value of land in village Rampur-I has been determined at the rate of ₹25 lakh per acre. There is no ground to determine value of land in village Rampur-I at the rate of ₹25 lakh when value of land in village Rampur-II is determined at the rate of ₹50 lakh per acre. The Court has noted that land of village Barwala as well as Rampur was acquired by common notification and for the same purpose i.e. construction of B.G. Railway Line from Chandigarh to Ludhiana. Considering these facts, learned Reference Court has determined value of land of village Rampur at the rate of ₹50 lakh per acre.

15. In the wake of award dated 28.06.2013 passed by Land Acquisition Collector, Payal, award dated 21.02.2014 passed by Reference Court in **Case No.31019/2013** and award dated 18.04.2014 passed in **New LAC/31029/2013**, this Court finds it appropriate to determine value of land falling within village Begowal as well as Rampur-I at the rate of ₹50 lakh per acre. Appeals filed by Union of India against awards whereby market value of land of village Barwala was determined at the rate of ₹50 lakh per acre have already been dismissed by this Court, thus, question of market value of land of village Barwala

has attained finality. Location of village Rampur-I and Begowal is not adversarial to location of Barwala rather appellants are claiming that their land is closer to highway than land of village Barwala. The findings of Reference Court are also supporting this contention.

Value of Land of Village Katana:

16. Value of land falling within village Katana has already been determined at the rate of ₹50 lakh and there seems no reason to further enhance said value. The value determined *qua* village Katana seems to be just, equitable and reasonable. The appellants have failed to point out any plausible and convincing reason to enhance already assessed value. Accordingly, appeals of both sides *qua* value of land of Village Katana are hereby dismissed.

Severance Charges:

17. Few appellants are claiming that Reference Court has not awarded severance charges though has awarded to few similarly situated landowners. On account of laying down of rail lines, their land was divided into two parts. Level of railway track is higher than plinth level of their land. The Reference Court has not recorded findings with respect to their claim of severance charges. This Court finds it appropriate to remand the matter to Reference Court with respect to severance charges because, at this stage, it is not possible to examine evidence of each case and thereafter determine whether land was actually severed and it affected remaining land.

Conclusion:

18. In the backdrop, market value of land of village Rampur-I and Begowal is enhanced from at the rate of ₹25 lakh to ₹50 lakh per acre. The appellants would be entitled to statutory benefits on enhanced amount as have been awarded by Reference Court.
19. The matter is remanded to Reference Court with respect to severance charges. The appellants in *RFA Nos.6333, 8170, 6334, 7707 and 6337 of 2014* and *RFA No.3225 of 2015* claimed severance charges before Reference Court which did not adjudicate said issue. They would appear before Reference Court on 24.08.2026 and thereafter as directed by said Court which would consider evidence on record and determine whether appellants as per law are entitled to severance charges or not.
20. ***Disposed of*** in above terms.
21. Pending application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

15.07.2026
Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No