

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

RFA No. 683 of 2003 (O&M)

Date of decision :21.10.2015

The Punjab Government and another

... Appellants

vs

Ajmer Singh

.. Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Piyush Bansal, Deputy Advocate General, Punjab.

Rajesh Bindal, J.

This order will dispose of a bunch of appeals bearing RFA Nos.683 to 699 of 2003, as common questions of law and facts are involved therein. However, facts have been extracted from RFA No.683 of 2003.

The State is in appeal against the award of the learned court below, whereby while upholding the amount of compensation awarded for the acquired land, damages on account of severance @ 50% of the amount of compensation have been awarded.

Briefly, the facts of the case are that State of Punjab vide notification dated 17.7.1992, issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') sought to acquire land measuring 57 kanals 10 marlas situated in village Kamalke, Tehsil Zira, District Ferozepur for construction of Kishanpura Distributory. The same was followed by notification dated 17.1.1994 issued under Section 6 of the Act. The Land Acquisition Collector (for short "the Collector"), vide his award dated 15.1.1996, assessed the market value of the acquired land @ ₹ 50,000/- per acre. Aggrieved against the award of the Collector, the landowner filed objections which were referred to the learned court below, who keeping in view the material placed on record by the parties, upheld the amount of compensation awarded by the Collector for the acquired land and granted 50% of the market value assessed by the Collector on account of severance.

The same has been impugned by the State before this Court.

The land in the present set of appeals was acquired for construction of Kishanpura Distributory more than two decades back. The total area is merely 57 kanals 10 marlas. The Collector had assessed compensation @ ₹ 50,000/- per acre. Meaning thereby the additional amount of compensation awarded on account of damages for severance would be ₹ 25,000/- per acre. Acquired land being about 7 acres, the different landowners are owning small-small portion of land as the acquisition was for construction of distributory. The amount of compensation has already been paid to the landowners. This Court normally grants damages on account of severance at the rate of 20-25% of the value of the land and considering those parameters, award for damages on account of severance at the rate of 50% may not be justifiable but still without going into merits of the appeals and considering that the acquired land is small portion owned by the landowners and the amount of compensation having been paid to the landowners, I do not find any reason to interfere with the impugned award, at this stage.

Accordingly, the appeals are dismissed.

21.10.2015

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(Rajesh Bindal)
Judge