

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

VARINDER SINGH
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Punjab & Haryana High Court at
Chandigarh

RFA No. 1347 of 1996 (O&M)

Date of decision : 12.8.2015

State of Punjab

.. Appellant

versus

Joginder Singh

.. Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Nilesh Bhardwaj, Deputy Advocate General, Punjab.

Rajesh Bindal, J.

The State is in appeal impugning the award of the learned Court below whereby on account of acquisition of land, the compensation granted on account of severance to the landowner was enhanced.

Briefly the facts are that vide notification dated 5/6.9.1985 issued under Section 4 of the Land Acquisition Act, 1894 (for short, 'the Act') the State of Punjab sought to acquire land situated within the revenue estate of village Nahalheri, Hadbast No. 391, Tehsil Sirhind, District Patiala, for construction of SYL Canal. Notification under Section 6 of the Act was issued on 24.9.1985. The Land Acquisition Collector (for short, 'the Collector') vide award dated 16.11.1987 assessed the compensation for the acquired land @ ₹ 72,990/- per acre for chahi and ₹ 35,000/- per acre for gair mumkin kinds of land. Dissatisfied with the award of the Collector, the landowner filed objections claiming that out of his 16 kanals 4 marlas of land, 4 kanals 19 marlas has been acquired and remaining land has been left on the side of village Nalheri, which is across the canal. There is no source of irrigation and means of access for the left over land on account of severance. On reference under Section 18 of the Act, the learned court below assessed the compensation for severance to the landowner of the market value of the acquired land for his left over land. Aggrieved against the award of learned Court below, the State is before this Court.

Learned counsel for the State could not dispute the fact that the issue involved in the present appeal is squarely covered by judgment of this Court in RFA No. 1299 of 1990 – Mohar Singh and others vs State of Punjab decided on 9.12.2008. Otherwise also the amount of compensation involved is quite meager.

For the reasons recorded in Mohar Singh's case (supra), the present appeal is dismissed.

12.8.2015
vs

(Rajesh Bindal)
Judge