

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

**RFA No.4858 of 2017 (O&M)**

Maher Chand and others

... Appellants

Versus

State of Haryana and others

... Respondents

(2)

**RFA No.4859 of 2017 (O&M)**

Lila Ram (since deceased) through L.Rs. and others

... Appellants

Versus

State of Haryana and others

... Respondents

(3)

**RFA No.4980 of 2017 (O&M)**

Ishwar Singh and another

... Appellants

Versus

State of Haryana and others

... Respondents

**Decided on : 13.03.2018**

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA**

Present : Mr. B.K. Bagri, Advocate  
for the appellants.

Mr. Shivendra Swaroop, AAG, Haryana.

**G.S. Sandhawalia, J. (Oral)**

**Applications for condonation of delay**

Applications have been filed for condoning the delay ranging  
between 1862 days to 1951 days in filing the present appeals.

In view of the fact that the matters are covered and the interest  
of the State can be protected by not granting any interest on the enhanced

compensation for the period of delay in filing the present appeals, the applications for condonation of delay in filing the appeals are allowed. Reference can be made to the judgments of the Apex Court in '**Imrat Lal and others Vs. Land Acquisition Collector and others**' 2014 (14) SCC 133 and in '**Dhiraj Singh (D) through LR. and others Vs. Haryana State and others**' 2015 (1) SCC (Civil) 236. The delay in filing the appeals is condoned, with the condition that the appellants shall not be entitled for interest on the enhanced compensation.

CMs stand disposed of.

**Main appeals**

The present order shall dispose of 3 appeals i.e. **RFA Nos.4858, 4859 and 4980 of 2017**, as the common question of law and facts are involved.

The awards were passed on 20.10.2011, whereby the Reference Court, Rewari has granted enhancement from ₹16 lakhs per acre as assessed by the Land Acquisition Collector to ₹20 lakhs per acre.

It is not disputed that vide notification dated 30.11.2007 issued under Section 4 of the Land Acquisition Act, 1894, the land of various village had been acquired for construction of the Khatawali Minor and Jeetpur Distributory.

This Court in **RFA No.5138 of 2011 'State of Haryana and others Vs. Lal Singh and another'** decided on 10.12.2015, while dealing with the said notification and the acquisition, which is similar to the one which are subject matter of appeal upheld the compensation to

the tune of ₹20 lakhs. However, severance of the acquired land was granted on the ground of level of a drain/minor, which is always above the level of the land and makes it difficult to the owners to cultivate the other portion of the land. The relevant portion of the said judgment reads as under:-

*“Keeping in view the aforesaid material on record, in my opinion, the learned court below has not committed any error in assessing the compensation @ ₹20,00,000/- per acre. Accordingly, the appeals and cross-objections are dismissed as regards the valuation of land is concerned.*

*As far as the contention raised by learned counsel for the landowners regarding award of compensation on account of severance is concerned, the fact that on account of acquisition of land for construction of Khatawali minor, land of some of the landowners has been divided into two parts, has not been disputed. It has even been so recorded by the Reference Court, but still damages on account of severance of land have not been awarded, which the landowners deserve to be granted. On account of acquisition and construction of a minor/drain/distributory, it becomes difficult to cultivate the other portion of the land and to cross over to the other side. The level of a drain/ minor is always above the level of the land, which makes it difficult to irrigate or use the divided portions of the land to its optimum and also to approach the other portion of the land.*

*Considering the aforesaid facts, in my opinion, all the landowners, whose land has been divided into two portions shall be entitled to damages on account of severance at the uniform rate of 20% of the value of the acquired land. The land owners shall also be entitled to the statutory benefits available under the Act.*

*For the reasons mentioned above, the appeals filed by the State are dismissed and the appeals and cross-objections filed by the landowners are disposed of in the above terms.”*

Counsel for the State could not bring to the notice of this Court that whether the order has been modified by the Apex Court. Resultantly, the present appeals are also disposed of as per the same terms. The land owners are also entitled for 20% additional benefit on account of severance.

It is, however, made clear that no interest shall be given to the land owners on the enhanced compensation for the delay in filing the appeals, on account of the delay of 1862 to 1951 days having been condoned conditionally.

**MARCH 13, 2018**  
*Naveen*

**(G.S. SANDHAWALIA)**  
**JUDGE**

*Whether speaking/reasoned:*

*Yes/No*

*Whether Reportable:*

*Yes/No*