

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

RFA-3475-2010

Date of decision: 16.08.2019

Union of India

....Appellant

Versus

Kaka Singh & others

...Respondents

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

Present: Mr.Namit Kumar, Advocate, for the appellant.

Ms.J.K.Sidhu, AAG, Punjab.

G.S. SANDHAWALIA, J. (Oral)

Office has put up the case for service of unserved respondents No. 84 (a, b), who were not found at the time of service and respondents No.9 (b,c), 11, 15, 22, 31 (a, b), 51, 82, 83 & 112, on account of lack of complete addresses.

However, a perusal of the award passed by the Reference Court, Fatehgarh Sahib dated 30.09.2009 would go on to show that the said award, pertaining to land of Village Panaichan, was subject matter of consideration in a bunch of cases, filed by the landowners/Union of India/Railways. The lead case being **RFA-5579-2010** titled *Swaran Singh Vs. State of Punjab*, they were disposed off on 11.07.2019, whereby uniform compensation of Rs.8 lakhs per acre along with all statutory benefits, was granted to the landowners apart from 30% severance charge. The Railways were held liable to pay only 30% solatium and the element of additional amount was set aside. The relevant portion of the judgment read as under:

“36. Thus, the appeals of the Railways are liable to be allowed to this extent and the solatium is restricted to 30% on the uniform compensation of ₹8 lakhs to the landowners.

37. Resultantly, the appeals are allowed to the extent:

(i) the landowners of all five villages shall get uniform rate of compensation @ ₹8 lakhs per acre alongwith all

statutory benefits;

(ii) the percentage of severance would be enhanced from 10% to 30% of the market value where granted.

However, it is made clear that on the amount of severance the landowners would not be entitled for the benefits of Section 23 (1A) and Section 23 (2) as it is not the market value as such and in view of the law laid down by the Apex Court passed in '**State of Punjab Vs. Amarjit Singh**', 2011 (4) SCC 734.

(iii) Appeals of the railways are allowed to the extent that 30% additional amount on account of the solatium, which has been granted is set aside. It is clarified that the solatium will be @ 30% only as per the statutory provisions of Section 23 (2) of the Act.

38. Resultantly, the appeals are disposed of in the above terms. All the pending civil miscellaneous applications also stand disposed of.”

The landowners, thus, are also entitled for the same benefits as the Reference Court had only granted 10% severance charges on account of the railway line bifurcating the land. Same has been enhanced to 30%.

Resultantly, the present appeal is also disposed off in the same terms. Accordingly, the benefit of uniform compensation of Rs.8 lakhs per acre along with 30% severance charges shall also flow to the respondent-landowners and they shall only be granted 30% solatium on Rs.8 lakhs per acre.

16.08.2019
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*