

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

**RFA No.599 of 2016 (O&M)
Decided on : 08.01.2019**

Executive Engineer/Construction Northern Railway, Rohtak

... Appellant

Versus

Mandeep and others

... Respondents

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

Present: Mr. Sandeep Vermani, Advocate
for the appellant.

Ms. Vibha Tewari, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

The challenge in the present appeal filed under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act') by the Railways is to the Award of the Reference Court, Jhajjar dated 30.05.2015, whereby the market value has been fixed @ ₹16,57,834/- per acre for the land acquired alongwith 20% severance charges.

The Land Acquisition Collector vide the Award dated 21.09.2007 pertaining to the notification dated 27.06.2007 issued under Section 4 of the Act had granted ₹16 lakhs per acre. The Reference Court had enhanced the compensation from ₹16 lakhs per acre to ₹16,57,834/- per acre for the land acquired for construction of Rohtak-Jhajjar-Rewari new railway line. The enhancement as such is nominal and on the principle of minimum floor rates fixed for the compensation as per the policies of the State, which came into force in the year 2007 and 2010. The Reference Court had calculated the monthly installment as per the enhancement as

such, whereby the minimum floor rates were fixed by the two policies of the State to grant the enhancement.

Keeping in view the fact that the enhancement is nominal and that the Land Acquisition Collector always grant the compensation on the principle of minimum rate for registration of sale deeds, this Court does not feel persuaded to interfere in the enhancement. In similar circumstances, this Court in '**Prem Singh and others Vs. State of Haryana and others**' 2012 (3) PLR 626 by the applying a thumb rule, noting the minimum rate for registration of sale deeds in the market price, enhanced market value from ₹5 lakhs per acre to ₹6 lakhs per acre alongwith all statutory benefits.

Coming to the issue of 20% severance charges, the Reference Court in detail has noticed that due to the construction of railway line, the land was cut into two pieces and, therefore, 20% benefit had been granted to the landowners whose lands were severed into two pieces due to acquisition. Benefit of severance is a factor, is to be taken into consideration under Section 23 of the Act, as per Clause 3, whereby the damage sustained by the person interested at the time of the Collector's taking possession of the land, by reason of severing such land from his other land and kept in mind.

In '**Surjit Singh and others Vs. State of Punjab through Land Acquisition Collector and others**' 2008 (2) PLR 763, severance charge was fixed @ 50% of the market value, keeping in view the judgements of this Court passed in '**State of Haryana v. Rajinder**

Kumar (2000-1) 124 P.L.R. 837, 'Punjab State v. Gurbachan Singh' 1988 P.L.J. 490, 'Smt. Narinder Kaur v. The State of Punjab' (1980) 82 P.L.R. 473, 'State of Punjab through Collector, Hoshiarpur v. Gopal Singh' (2002-2) 131 P.L.R. 843 and 'State of Punjab through Collector, Hoshiarpur v. Radha Krishan' (1996-1) 97 P.L.R. 270, 'Tehal Singh v. The State of Punjab' 1987 All India Land Acquisition and Compensation Cases 491 and 'Bishan Dass v. State of Punjab' (1998-3) 120 P.L.R. 187.

The said view has been followed in '**Chanan Singh Vs. State of Punjab**' 2010 (5) RCR (Civil) 283 and, therefore, merely because the landowners have also preferred appeals for enhancement would not be a ground as such for admission for the present appeal.

Resultantly, there is no merit in the present appeal and the same is dismissed.

JANUARY 08, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No