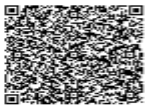


2025:PHHC:170387



114 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Decided on:-04.12.2025

1. RFA-1611-1998 (O&M)

Ram Rakha and othersAppellants..

VS.

State of Punjab and anotherRespondents..

2. RFA-1612-1998 (O&M)

Ram Krishan and others ...Appellants..

VS.

State of Punjab and another .Respondents..

3. RFA-1148-1998 (O&M)

State of Punjab thr. CollectorAppellants..

VS.

Ram Krishan and others ...Respondents..

4. RFA-1334-1998 (O&M)

State of Punjab and anotherAppellant..

VS.

Ram Rakha and others ...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.Tushar Sharma, Advocate
for the appellant(s) (in RFA-1611, 1612-1998) and
for the respondents-landowners (in RFA-1334 of 1998).

Mr. Athar Ahmed, DAG, Punjab.

Mr. Bhavnik Mehta, Advocate,
for respondents (in RFA-1148-1998).

HARKESH MANUJA J. (Oral)

1. Vide this common judgment, the aforementioned four Regular First Appeals are being decided as all have arisen out of the same award.

1.2 For convenience, the facts are being taken from RFA-1611-1998 (O&M).

2. By way of present appeals, challenge has been laid to an Award dated 08.10.1997 passed by the learned Additional District Judge, Patiala (for short, "Reference Court"), whereby, reference petition(s) preferred at the instance of landowner(s) invoking Section 18 of the Land Acquisition Act, 1894 (for brevity, "the 1894 Act"), were partly accepted.

3. In the present case, some land owned by the landowners, situated in the revenue estate of Village Gandiya, Hadbast No.83, Tehsil Rajpura, District Patiala, came to be acquired vide notifications dated 05.02.1983 and 03.03.1983, issued under Sections 4 & 6 respectively of the 1894 Act, for the public purpose, namely, construction of SYL Canal in Village Gandiya, Tehsil Rajpura, District Patiala. The total land acquired was 14.40 acres. The Land Acquisition Collector vide its Award dated 03.10.1983 and supplementary awards dated 08.01.1987 and 29.03.1985, assessed the compensation.

4. Dissatisfied with the award of the Land Acquisition Collector, the landowner(s) filed separate reference petition(s) under Section 18 of the 1894 Act, seeking enhancement of compensation. Upon consideration of the material available on record, the Reference Court vide its decision dated 08.10.1997, awarded the enhanced compensation in the following manner:-

“18. In view of my findings on issue No.1, the references are allowed and the petitioners in both the land references are allowed compensation for severance as under:-

1. At the rate of 25% of the market value of the acquired land for the land across the SYL Canal subject to a maximum of 5 acres.

2. At the rate of 15% of the market value of the acquired land for the land left out on the village side of SYL canal subject to a maximum of 5 acres.

19. The market value of the land for the purposes of determination of severance compensation shall be as determined by the High Court in Regular First Appeal No.98 of 1986 “Arsal Singh versus The state of Punjab etc. Decided on 30.09.1986 copy of this is Ex.A.5 and which is as under:-

Sr. No.	Types of land	Price
1	All types of irrigated land falling within a depth of 100 karams on either side of the G.T. Road.	Rs.19500/- per bigha
2.	For the lands adjoining the Urban Estate Rajura upto a depth of 50 karams irrespective of its revenue classification.	At the flat rate of Rs.1,80,000/- per acre
3	All irrigated lands irrespective of the source of irrigation and not covered by the above said two belts.	At the rate of Rs.15,000/- per bigha.
4	Rausli land	At the flat rate of Rs.7500/- per bigha
5	Gair Mumkin land	At the rate of Rs.6000/- per bigha

5. Feeling dissatisfied with the aforesaid Award passed by the learned Reference Court, the landowners (seeking modification and enhancement of the compensation) as well as State (finding the enhancement excessive), thus, praying for setting aside of the decision of the learned Reference Court, preferred their appeals and cross-appeals.

6. I have heard learned counsel for the parties and gone through the

paper book. I find substance in the submissions made on behalf of the appellants-landowners.

7. A cumulative analysis of the pleadings and the evidence available on record along with the findings recorded by the learned Reference Court, it is apparent that as an effect of acquisition in hand, the land of the appellants-landowners has been bifurcated in triangular shape and no source of irrigation has been left in close proximity of the remaining un-acquired land. Even, the passage leading to the same has sub-merged into the SYL canal and the only way to reach the said unacquired parcel of land is through bridge, which is located at a distance of around 3-4 kilometers from the said bridge. Thereby, the appellants-landowners have suffered loss of source of irrigation and loss of rasta/passage. Furthermore, no dispute has been raised by the State with respect to the factum that as a result of the present acquisition proceedings, the land owned by landowners stood bifurcated as some part of it came on the other side of the SYL. In such circumstances, land owners were required to be suitably compensated, especially when no evidence was produced on record by the State about any construction of bridge near the un-acquired land of the landowners.

7.1 Moreover, this Court while dealing with the cases pertaining to the acquisition of land for SYL Canal awarded damages towards severance in favour of the landowners in case of ***“Tehal Singh and others vs The State of Punjab thr. the Collector, Land Acquisition, Drainage Circle, Patiala”*** reported as 987 SCC Online P&H 269. Relevant para 11 thereof is reproduced hereunder:-

“11. Taking all the above factors into account. I consider the following compensation to be appropriate for severance of land to

the concerned land-owners:-

(1) *Where the S.Y.L. Canal intervenes between the land severed and the village abadi and it is two acres or less in area, compensation for severance shall be 60% of the market value of the land so acquired.*

(2) *Where the severed land is on the abadi side of the village and S.Y.L. Canal is being constructed beyond it and it is two acres or less in area, compensation for severance shall be 40% of the market value of the land so acquired.*

(3) *Where the severed land is more than two acres in area but is less than 5 acres, and is located on either side of the S.Y.L. Canal, compensation at the rate of 10% of the market value for its severance shall be payable."*

8. As such, in the totality of facts and circumstances of the present case, the award passed by the learned Reference Court is modified and the appeals are disposed of in terms of ***Tehal Singh's*** case (supra). In addition to the compensation-market value awarded by the learned Reference Court, appellants/landowners shall be entitled to receive all statutory benefits and interest as contemplated under Section 23(2) 23(1-A) read with Section 34 of the 1894 Act, including the interest on solatium.

9. In view of the aforesaid discussion, the appeals filed at the instance of landowners are partly accepted and the cross-appeals filed at the instance of State are dismissed.

10. Pending application, if any, also stand disposed of.

04.12.2025
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/ No