

2025:PHHC:121104



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

RFA-3352-2005 (O&M)
Decided on:-05.09.2025

Balveer Singh

.....Appellant....

vs.

Punjab Govt. thr. Collector, Ferozepur
and another

.....Respondents....

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. C.M. Munjal, Advocate and
Ms. Seema Arora, Advocate,
for the landowners.

Mr. Gunjan Mehta, Addl. A.G., Punjab.

HARKESH MANUJA J. (Oral)

1. Vide this common judgment, the batch of total 12 connected Regular First Appeals are being decided as all have arisen out of the same award. The details of the connected cases are given on the foot of the judgment.

1.2 For convenience, the facts are being taken from ***RFA-3352-2005 (O&M)***.

2. By way of present appeal, challenge has been laid to an award dated 19.09.2005 passed by the learned Additional District Judge, Ferozepur (for short, "*Reference Court*") , whereby, reference petition(s) preferred at the instance of appellants-landowners been invoked Section 18 of the Land Acquisition Act, 1894 (***for brevity, "1894 Act"***), were partly allowed.

3. Brief facts of the case are that some land owned by the

appellants-landowners, situated in the revenue estate of Village Chak Chhanga Rai Hithar, District Ferozepur alongwith others was sought to be acquired vide notification dated 24/25.10.2001, issued under Section 4 of the 1894 Act, for the public purpose, namely, construction of Mamdot Distributory RD 56975 to 216000. The Land Acquisition Collector vide its award dated 16.07.2003, assessed the market value at the rate of Rs.4000/- per acre.

4. Aggrieved of the award passed by the Land Acquisition Collector, the appellants-landowners invoked 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 award dated 19.09.2005, enhanced the market value to Rs.1,20,000/- per acre besides granting all other statutory benefits including interest and solatium etc.

5. Feeling dissatisfied with the aforesaid award passed by the Reference Court, the landowners as well as State preferred the appeals-cross objections, details whereof are mentioned in the foot of the judgment.

6. Impugning the aforementioned award dated 19.09.2005, learned counsel for the appellants-landowners submits that though initial notification under Section 4 of the 1894 Act with respect to the land in question was issued on 22.11.1976 and even the possession was taken over by the respondents in the year 1976, however, no award in pursuance thereof was passed. Thereafter, fresh notification under Section 4 of the 1894 Act with respect to this very land was issued on 24/25.10.2001 which was published on 06.03.2002, followed by award No.19 dated 16.07.2003, whereby the

market value was assessed @ Rs.4000/- per acre besides grant of other statutory benefits.

6.1 Learned counsel points out that though the award dated 16.07.2003 was passed in pursuance to the notification dated 06.03.2002, however, the market value was assessed @ Rs.4000/- per acre while keeping in mind the price of land prevalent in the year 1976. He thus, submits that the appellants-landowners were at least entitled for re-appreciation at the rate of 10% per annum from 22.11.1976 till 06.03.2002 over the market value assessed @ Rs.4000/- per acre to re-assess the market value as on 06.03.2002.

6.2 Learned counsel also submits that the Reference Court failed to award adequate damages towards severance of land under present acquisition. He points out that the purpose of acquisition was construction of distributory; the same was bound to bifurcate the land, thereby, causing loss towards source of irrigation and as such, suitable damages @ 50% towards severance of land were required to be granted. Learned counsel thus, prays that the impugned award was liable to be modified.

7. On the other hand, learned counsel appearing on behalf of the respondent-State submits that though the market value @ Rs.4000/- per acre was assessed as on 22.11.1976 i.e. the date when the first notification under Section 4 of the 1894 Act was published, however, once the landowners were awarded interest for the period between 01.02.1976 till 16.07.2003 towards damages, the plea raised on behalf of the appellants-landowners for grant of further appreciation on the price of the market value assessed @ Rs.4000/- per acre as on 22.11.1976 till the date of latest final notification

under Section 4 of the 1894 Act i.e. 06.03.2002, has no merit. He also points out that the market value of the land under acquisition was assessed by the learned Reference Court on the basis of evidence available on record and thus, the same called for no interference.

7.1 Learned State counsel further submits that in the absence of there being any substantive evidence available on record with respect to any loss to the landowners towards severance of land, no enhancement was required to be made towards the damages assessed @ 10% and thus, prays for dismissal of appeals preferred at the instance of appellants-landowners.

8. I have heard learned counsel for the parties and gone through the paper book.

9. A perusal of record shows that the proceedings qua acquisition of the land in question were initiated vide notification dated 01.02.1976; published on 12.11.1976, under Section 4 of the 1894 Act. Though possession of the land was admittedly taken over by the respondents in the year 1976, however, neither any award was passed nor compensation was paid to landowners. Number of landowners went on to pursue their cause before the authorities followed by filing of writ petitions, which were disposed of by this Court vide order dated 03.07.2001 passed in CWP-13560-2000. The operative part thereof is extracted hereunder:-

“Land belonging to the petitioner was acquired for the extension of Mamdot Distributory canal in village Chak Chhanga Rai Hithar, Tehsil and District Ferozepur. This acquisition took place in the year 1976. The grievance made in this petition filed under Article 226 of the Constitution is that no compensation has been paid so far. When this case came up for hearing on 16.05.2001, the learned Senior Deputy Advocate General appearing on behalf of

the respondent-State sought an adjournment with a view to get the matter finalized. Shri Gurminder Singh learned Deputy Advocate General, Punjab states on instructions received from the departmental representative who is present in Court that the matter of payment of compensation to the petitioner is likely to be finalized by the Finance Department in the next two to three weeks.

Having reard to the fact that the land was acquired in the year 1976 and no compensation has been paid so far, we dispose of the writ petition with a direction to respondent No.1 to finalize the issue regarding the payment of compensation to the petitioner and disburse the same to him on or before 31.07.2001. No costs.”

9.1 Despite there being a specific direction, although fresh acquisition process was initiated with issuance of notification dated 25.10.2001 published on 06.03.2002 under Section 4 of the 1894 Act, however, the respondents failed to pass any award. Feeling aggrieved, one of the landowners approached this Court having invoked contempt jurisdiction, wherein on 08.07.2003, the following order came to be passed in COCP-141-2003:-

“Present: None for the petitioner.

Shri D.S. Kamra, DAG, Punjab.

The order of this Notice since 1976, the same be finalised on or before 31.07.2001. directed that since acquisition proceedings are pending court dated 03/07.2001 Grievance in the contempt petition is that inspite of the said order, neither any extension has been sought by the respondent nor the order has been complied with. was issued giving about six months time to the respondents to explain why the order of this court is not being complied with. No reply is filed. Further sought. There being no justification for not filing reply during the time available and no justification being shown not seeking extension, prayer for adjournment is declined. for time is the court. In view of averments in the contempt petition, it is clear that there is deliberate violation of order of Let the respondent remain

present in court personally on the next date to show cause against a final order for punishment for contempt.

To come up on 25.07.2003.

July 08, 2003

*(ADARSH KUMAR GOEL)
JUDGE”*

9.2 Thereafter only, award No.19 dated 16.07.2003 came to be passed by the concerned Land Acquisition Collector making assessment of market value @ Rs.4000/- per acre while taking into account the market price prevalent in the year 1976, rather than, considering the value of the land for the year 2002 (06.03.2002 i.e. the date of latest notification under Section 4 of the 1894 Act). The fact about the market price was even admitted by the LAC in the award itself besides a clear cut admission made by respondents in their written statement filed before the learned Reference Court through the then Executive Engineer Eastern Canal Division, Ferozepur. The relevant portion from the award dated 16.07.2003, translated into English is reproduced hereunder:-

“The Deputy Commissioner, Ferozepur, vide his office letter No.2087/DRA dated 14.07.2003, has informed that all types of land which are being acquired have been received at the market rate of Rs.4000/- per acre since 1976.”

Further, the relevant portion from the written statement dated 11.02.2004 filed before the Reference Court is extracted hereunder:

“XX

xx

xx

21. *That the contents of para 21 are wrong and denied. The Land Acquisition Officer has rightly valued the land in question and that it was not more than Rs.4000/- per acre in the year 1976.”*

9.3 Be that as it may, once as per the own calculation of the

respondents, the market value of the acquired land as on the date of publication of notification in the year 1976 (22.11.1976) was Rs.4000/- per acre; by applying the minimum appreciation @ 6% per annum (simple) thereupon till 06.03.2002 i.e. the date of latest and effective notification under Section 4 of the 1894 Act, the market value as on 06.03.2002 comes to Rs.6,24,000/- per acre. Undisputedly, in terms of Section 11(1) of the 1894 Act, the market value in relation to an acquisition proceedings has to be assessed as the price prevalent on the date of publication of notification under Section 4 of the 1894 Act, which in the present case is admittedly 06.03.2002.

10. Accordingly, in view of the discussion made herein above, the appellants-landowners are held entitled for the benefit of market value @ Rs.6,24,000/- per acre as on the date of publication of notification dated 06.03.2002, issued under Section 4 of the Land Acquisition Act, 1894. The landowner shall also be entitled for all other statutory benefits and interest as provided under the 1894 Act (Amended upto-date).

11. Further, no merit can be found in the submissions made on behalf of the learned State counsel to the effect that the appellants-landowners having been awarded the benefit of interest w.e.f. 01.02.1976 i.e. the date of issuance of initial notification under Section 4 of the 1894 Act till 16.07.2003, as such, the market value of the land was rightly assessed by taking into consideration the price prevalent in the year 1976. The award of interest granted by the Land Acquisition Collector itself w.e.f. 01.02.1976 to 16.07.2003 cannot be presumed to be part of market value as the same was consciously granted in favour of the landowners towards damages for having deprived them of the possession and utilization of their land for all this period i.e. between 01.02.1976 till 16.07.2003 and thus, formed part of the compensation; not the

market value.

12. With respect to the enhancement been sought towards the damages against severance of the land of the landowners, it may be noticed here that the factum of division of land owned into two parts was established on record and once that was so, the appellants-landowners definitely suffered on this count in terms of the value and usability of the remaining land besides, increase of costs towards source of irrigation and cultivation as also loss of access etc. and thus, the appellants-landowners are held entitled for at least damages @ 20% market value towards severance.

13. In view of the aforesaid discussion, the appeals filed at the instance of landowners are partly allowed, whereas, the appeals/cross-objections filed at the instance of State are hereby dismissed.

14. Further, in case of unfortunate demise of any of the appellants-landowners, if the legal heirs-legal representative(s) have not been brought on record, they shall be entitled for filing exemption applications in their own names being legal heirs or legal representatives of the deceased-landowners; subject of course to any testamentary document created by the deceased.

15. Pending application, if any, also stands disposed of.

05.09.2025
sonika

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No

Sr. No.	Case No.	Title
1.	RFA-3353-2005	KHURSHAND RAI V/S PB GOVT
2.	RFA-3354-2005	MEHAR SINGH V/S PB GOVT.
3.	RFA-3355-2005	SURJEET SINGH V/S PB GOVT.
4.	RFA-3356-2005	WAZIR CHAND V/S PB GOVT.

5.	RFA-3357-2005	DALIP SINGH & ORS V/S PB GOVT.
6.	RFA-102-2006	STATE OF PB. AND ORS. V/S WAZIR CHAND
7.	RFA-103-2006	PB GOVT THROUGH COLLECTOR AND ORS V/S SURJEET SINGH
8.	RFA-104-2006	PB GOVT THROUGH COLLECTOR AND ORS V/S MEHAR SINGH
9.	RFA-105-2006	PB GOVT THROUGH COLLECTOR AND ORS V/S BALVEER SINGH
10.	RFA-106-2006	PB GOVT THROUGH COLLECTOR AND ORS V/S DALIP SINGH AND ORS
11.	RFA-107-2006	PB. GOVT.THROUGH COLLECTOR AND ORS V/S KHURSHAND RAI

05.09.2025
sonika

(HARKESH MANUJA)
JUDGE