



**RFA-2278-2006(O&M)
and other connected cases**

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

**RFA-2278-2006(O&M)
and other connected cases
Date of decision: 25.02.2025**

State of Haryana

..Appellant

Versus

Karam Singh (since deceased) through his LRs and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Safia Gupta, AAG, Haryana

Mr. S.N.Pillania, Advocate for the landowners

ANIL KSHETARPAL, J. (Oral)

1. With the consent of the learned counsel representing the parties, a batch of 26 connected appeals (details whereof are at the foot of the judgment) shall stand disposed of by this common order.

2. On 30.01.2025, the following order was passed by this Court:-

“1.This is a batch of 26 connected Regular First Appeals. The crucial date for assessing the market value of the acquired land is 26.09.2000, the date when notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as ‘1894 Act’) was issued. The land was acquired for construction of Muwana sub minor and 104 kanals 16 marlas land in village Muwana was acquired for the said purpose.

2. The Land Acquisition Collector assessed the market value at Rs.1,40,000/- per acre for Nahari and Chahi land whereas Rs.90,000/- per acre was assessed for Barani land. The Reference Court, while deciding the



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application under Section 18 of the 1894 Act, assessed the market value at the rate of Rs.3,50,000/- per acre, while placing reliance upon sale deed exhibited as Ex.PD, which was executed on 05.09.2001, i.e almost one year after the date of notification under Section 4 of the 1894 Act.

3. *Learned counsel representing the landowners submitted that Reference Court has erred in ignoring the sale deed Ex.PE with respect to 3 kanals 1 marla land, which was sold at the rate of Rs.4,85,245/- per acre vide sale deed dated 24.04.2001. He further submits that the Reference Court has failed to grant compensation for severance in different portions.*

4. *Per contra, learned counsel representing the State submits that the Reference Court has erred in relying upon the sale deed executed one year after the date of notification under Section 4 of the 1894 Act.*

5. *This Court has considered the submissions made by the learned counsel representing the parties.*

6. *The acquisition of land was for construction of Muwana sub minor. There may be some appreciation in the price of land on account of improvement in irrigation facility, however, no steep increase of price was expected merely on construction of a sub-minor (drain) in the area. In the absence of sale instances of the contemporaneous period, the court was left with no choice but to rely upon the sale deed, which was executed post the issuance of notification under Section 4 of the 1894 Act. As far as the sale deed Ex.PD is with respect to 26 kanals land is concerned, it is of more than 3 acres. The total acquisition of 13 acres (approximately). There is no evidence to prove that the location of parcel of land represented by Ex.PE was comparable with the acquired land.*



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7. *The last submission of the learned counsel representing the landowners is with regard to damages on account of severance. He submits that the Reference Court has observed that the land owners are suffering great hardship in cultivation and irrigation of their land, however, no amount has been awarded. He prays for some time to assist the Court on this aspect of the matter.*

8. *List on 06.02.2025.*

9. *A photocopy of this order be placed on the files of the other connected cases.”*

3. In continuation thereof, the learned counsel representing the parties have once again been heard. While referring to Ex.PB and award learned counsel representing the landowners contends that the land comprised in Rect. No.67 khasra no.73 and 8 have been bifurcated. He submits that the court should award some amount for severance/bifurcation of land in two parcels.

4. Part 3 of Section 23 (1) of the Land Acquisition Act, 1894 enables the court to award damages sustained by the persons caused by reason of severing the land from his other land. However, the landowners are required to lead evidence to prove the actual or perceived damages. In this case, the Court cannot award damages for severance merely on the basis of presumption. The landowner is required to prove that on account of bifurcation of his un-acquired land into two or more parcels, he has suffered some damages. It is evident that the suit land was irrigated by canal. With the construction of minor (drain), the irrigation facilities have increased. Since no evidence to prove the actual damages has been led, this Court does not find it appropriate to apply the thumb rule.



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5. Keeping in view the aforesaid facts, no ground to interfere is made out.
6. Hence, dismissed.
7. All the pending miscellaneous applications, if any, are also disposed of.

**(ANIL KSHETARPAL)
JUDGE**

25.02.2025

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No

Sr. No.	Case No.	Appellant(s)	Respondent(s)
1.	RFA-2278-2006	STATE OF HARYANA	KARAM SINGH(SINCE DECEASED) THR' LRS AND ANR.
2.	RFA-2286-2006	STATE OF HARYANA	DEEP CHAND AND ORS.
3.	RFA-2279-2006	STATE OF HARYANA	GAJE SINGH (SINCE DECEASED) THROUGH HIS LRS AND ORS.
4.	RFA-2280-2006	STATE OF HARYANA	SUBA AND ORS.
5.	RFA-2281-2006	STATE OF HARYANA	BHAGTA AND ORS.
6.	RFA-2282-2006	STATE OF HARYANA	JASMAT SINGH AND ORS.
7.	RFA-2283-2006	STATE OF HARYANA	MAHA SINGH AND ORS.
8.	RFA-2284-2006	STATE OF HARYANA	DHARAM PAL AND ORS.
9.	RFA-2285-2006	STATE OF HARYANA	PARTAP SINGH AND ORS.
10.	RFA-2287-2006	STATE OF HARYANA	MALOOK SINGH
11.	RFA-2288-2006	STATE OF HARYANA	LAKHPAT AND ORS.
12.	RFA-2289-2006	STATE OF HARYANA	SURAT SINGH AND ORS.
13.	RFA-2290-2006	STATE OF HARYANA	PREM SINGH AND



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			ORS.
14.	RFA-2291-2006	STATE OF HARYANA	JAI RAM AND ORS.
15.	RFA-2292-2006	STATE OF HARYANA	RAJ KUMAR AND ORS.
16.	RFA-2293-2006	STATE OF HARYANA	LAKHPAT AND ORS.
17.	RFA-2294-2006	STATE OF HARYANA	KALTAR SINGH AND ORS.
18.	RFA-2295-2006	STATE OF HARYANA	PURAN SINGH AND ORS.
19.	RFA-2296-2006	STATE OF HARYANA	SAPATTAR AND ORS.
20.	RFA-2794-2007	PARTAP SINGH	STATE OF HARYANA
21.	RFA-2795-2007	PURAN SINGH	STATE OF HARYANA
22.	RFA-3871-2006	KALTAR SINGH AND ORS.	STATE OF HARYANA
23.	RFA-3872-2006	SAPATTAR SINGH AND ORS.	STATE OF HARYANA
24.	RFA-3873-2006	DHARAMPAL AND ORS.	STATE OF HARYANA
25.	RFA-3874-2006	SUBA AND ORS.	STATE OF HARYANA
26.	RFA-3875-2006	JAI RAM AND OTHERS	STATE OF HARYANA

25.02.2025

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(ANIL KSHETARPAL)
JUDGE