

**RFA-2397-2013 (O&M)
and other connected cases**

2025 PHHC 021871



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

**RFA-2397-2013 (O&M)
and other connected cases
Date of decision: 14.02.2025**

Lakhwinder Singh and others

..Appellants

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.S.Rangi, Advocate
Mr. Didar Singh, Advocate for appellants
in RFA-2397, 2398, 2400 to 2414 and 4525 of 2013

Mr. Anil Bansal, DAG, Punjab

ANIL KSHETARPAL, J. (Oral)

1. With the consent of the learned counsel representing the parties, a batch of 25 connected Regular First Appeals (details whereof are at the foot of the judgment) shall stand disposed of by this common judgment.

2. The crucial date for assessing the market value of the acquired land is 18.12.2006, when notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as '1894 Act') was published. The Land Acquisition Collector (hereinafter referred to as 'LAC') assessed the market value of the acquired land at the rate of Rs.5,25,000/- per acre, which has been maintained by the Reference Court. However, 10% over and above, market value has been awarded to those landowners, who have suffered damages on account of severance of their remaining land after the acquisition for construction of drain.



3. Admittedly, the landowners failed to rely upon any sale instances executed before the issuance of notification on 18.12.2006 under Section 4 of the 1894 Act. They relied upon a sale deed of 2008. Learned counsel representing the appellants submits that this sale deed was executed before the date of award passed by the LAC.

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

5. As per first Part of Section 23(1) of the 1894 Act, the market value of the acquired land is to be assessed on the date, when publication of notification under Section 4 (1) of the '1894 Act' was issued. Hence, the date of award of the LAC cannot be relied upon to assess the market value. Learned counsel representing the appellants further submits that the Reference Court has only awarded damages to the extent of 10% with respect to the landowners who have suffered damages on account of severance. He submits that the landowners suffered huge damages as their remaining land after the acquisition stands bifurcated into two parts.

6. Damages for severance of land in two or more parcels is required to be assessed under Part 3 of Section 23 (1) of the 1894 Act. For that purpose, the landowners are required to lead evidence to prove the extent of damages suffered by them. In this case, the Reference Court has applied thumb rule because the landowners failed to lead positive evidence to prove damages beyond 10%. The State of Punjab has not filed any appeal. The landowners may have suffered damages on account of bifurcation of their remaining land after acquisition in two or more parts, however, they are required to lead evidence to prove the extent of damages.

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Since the landowners have failed to lead cogent evidence to that effect. Learned counsel representing the appellants did not make any other submission.

7. Hence, no ground to interfere with the award passed by the Reference Court is made out.

8. Dismissed.

9. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

14.02.2025

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

Serial No.	Case No.	Appellant(s)	Respondent(s)
1.	RFA-2397-2013	LAKHWINDER SINGH AND ORS	STATE OF PUNJAB AND ORS
2.	RFA-2399-2013	BALDEV SINGH ETC.	STATE OF PUNJAB AND ORS
3.	RFA-6378-2013	SUKHDEV SINGH	STATE OF PUNJAB AND ORS
4.	RFA-2246-2014	HARJIT SINGH AND ORS	STATE OF PUNJAB AND ORS
5.	RFA-2398-2013	GULAB SINGH ETC.	STATE OF PUNJAB AND ORS
6.	RFA-2400-2013	KABAL SINGH ETC.	STATE OF PUNJAB AND ORS
7.	RFA-2401-2013	HARDIAL SINGH	STATE OF PUNJAB AND ORS
8.	RFA-2402-2013	MEHAR SINGH	STATE OF PUNJAB AND ORS
9.	RFA-2403-2013	RAJDIP SINGH ETC.	STATE OF PUNJAB AND ORS

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10.	RFA-2404-2013	PARKASH KAUR ETC.	STATE OF PUNJAB AND ORS
11.	RFA-2410-2013	BALBIR SINGH	STATE OF PUNJAB AND ORS
12.	RFA-2411-2013	JASKARAN SINGH ETC.	STATE OF PUNJAB AND ORS
13.	RFA-2412-2013	DALJIT SINGH & ANR	STATE OF PUNJAB AND ORS
14	RFA-2413-2013	NAVDEEP SINGH	STATE OF PUNJAB AND ORS
15	RFA-2414-2013	MANJIT KAUR	STATE OF PUNJAB AND ORS
16	RFA-1023-2014	RAJ KALI AND ORS	STATE OF PUNJAB AND ORS
17	RFA-1024-2014	MAGHAR SINGH AND ORS	STATE OF PUNJAB AND ORS
18	RFA-4525-2013	MAKHAN SINGH ETC.	STATE OF PUNJAB AND ORS
19	RFA-6380-2013	MANJIT SINGH	STATE OF PUNJAB AND ORS
20	RFA-2405-2013	BALDEV SINGH ETC.	STATE OF PUNJAB AND ORS
21	RFA-2406-2013	SWARAN SINGH ETC.	STATE OF PUNJAB AND ORS
22	RFA-2407-2013	PAL SINGH	STATE OF PUNJAB AND ORS
23	RFA-2408-2013	SURJIT SINGH ETC.	STATE OF PUNJAB AND ORS
24	RFA-2409-2013	CHANCHAL SINGH ETC.	STATE OF PUNJAB AND ORS
25	RFA-6379-2013	SUKHWINDER KAUR AND ORS	STATE OF PUNJAB AND ORS

(ANIL KSHETARPAL)
JUDGE

14.02.2025

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Rekha Sihag
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I attest to the accuracy and
integrity of this document
Chandigarh