

2026:PHHC:019343



113 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RFA-1896-1997 (O&M)

Decided on:-05.02.2026

Gurdev Singh (since deceased) thr. his LRs

....Appellant.

VS.

Punjab State Electricity Board and another

....Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Nitish Kaushal, Advocate for the appellant.

Mr. Parminder Singh-I, Advocate for respondent-PSEB.

Mr. Brij Bhushan Sharma, Advocate for
Mr. Deepak Suri, Advocate for PSTCL.

HARKESH MANUJA J. (Oral)

1. By way of present appeal, challenge has been laid to an award dated 23.05.1997 passed by the Court of learned Additional District Judge, Rupnagar (for short, “**Reference Court**”), whereby, a reference petition preferred under Section 18 of the Land Acquisition Act, 1894 (**hereinafter referred to as “1894 Act”**) at the instance of appellant-landowner, was partly allowed.

2. Briefly stating, land measuring 3 kanals & 7 marlas owned by the appellant situated in the revenue estate of Village Khuni Majra, District Ropar was acquired vide notifications dated 31.12.1989 and 28.02.1990, issued under Sections 4 & 6 respectively of the 1894 Act, followed by an award dated 07.08.1990 while awarding compensation at the rate of

Rs.60,000/- per acre. The acquisition in the case in hand was carried out for the public purpose namely, for “*construction of Tower Nos.15 & 16 for 220 K.V. (Mohali-Rajpura Line by the P.S.E.B.A.)*”.

3. Being dissatisfied with the award, appellant-landowner preferred reference petition under Section 18 of the 1894 Act, which came to be partly allowed vide order dated 23.05.1997 and the market value was re-assessed @ Rs.1 lac per acre.

4. Dissatisfied with the aforesaid award, appellant-landowner has preferred the present appeal.

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

6. A perusal of record shows that the learned Reference Court while adjudicating upon the reference petition preferred at the instance of appellant had relied upon previous award dated 26.05.1993 (Ex.P-8) passed by the learned Reference Court, which pertained to the acquisition carried out in terms of notification dated 16.09.1988 issued under Section 4 of the 1894 Act, for the same revenue estate of Village Khuni Majra wherein the market value was assessed @ Rs.1 lakh for *chahi* land and Rs.80,000/- for *barani* land.

7. As a matter of record, the determination made vide aforesaid decision dated 26.05.1993 (Ex.P-8) now stands enhanced to Rs.2 lakhs per acre for *chahi* land, Rs.1,60,000/- for *barani* land and Rs.1,20,000/- for *gair mumkin* land vide judgment dated 11.05.2010 passed by this Court in RFA-3281-1993 titled as “*Sadhu Singh vs The State of Punjab*”. Relevant para 10 of the order dated 11.05.2010 is reproduced hereunder:-

“Thus, the market value of the acquired land is

determined at the rate of Rs.2 lacs per acre for chahi, Rs.1,60,000/- for Baraini and Rs.1,20,000/- for Gair Mumkin lands. Besides this, the land owners will also be entitled to the statutory sum in accordance with Section 23(1-A) of the Act and 30% more sum in consideration of the compulsory nature of the acquisition as provided under Section 23 (2) of the Act. They will also be entitled to interest as provided under Section 28 of the Act. The appeals are accordingly, accepted in the manner indicated above.”

8. In view thereof, the appellant-landowner shall be entitled for the same benefit as has been awarded by this Court in favour of other similarly situated landowners in ***Sadhu Singh’s case (supra)*** along with other statutory benefits as well as interest.

9. Further, from the deposition of PW-1 Rajinder Kumar, Patwari Halqa, Sante Majra, it has been established on record that as an effect of present acquisition, the land holdings of the appellant has been bifurcated, but nothing has been awarded by the learned Reference Court towards damages against severance of land. In such circumstances, the appellants/landowners are bound to suffer loss as severance causes reduction in value of remaining land due to alteration in access, usability, irregularity of shape etc., as such, it would be appropriate to award damages against severance of land in favour of the landowner @ Rs.25% of the market value as assessed by this Court.

10. Disposed of accordingly.

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

05.02.2026
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(HARKESH MANUJA)
JUDGE