

2026.PHHC.021167



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

**Decided on:-11.02.2026**

**1. RFA-504-2000 (O&M)**

Joginder Singh (since deceased) thr. his LRs  
namely, Ishri Devi and others

....Appellant.

vs.

Punjab State thr. the Collector, Hoshiarpur and anr.

....Respondents.

**2. RFA-556-2000 (O&M)**

Punjab State thr. the Collector, Hoshiarpur and anr.

....Appellants.

vs.

Joginder Singh

....Respondent.

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. K.S. Dadwal, Advocate,  
for the appellant-landowner (in RFA-504-2000) and  
for the respondent (in RFA-556-2000).

Mr. Athar Ahmed, DAG, Punjab  
for the respondents (in RFA-504-2000) and  
for the appellants (in RFA-556-2000).

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**HARKESH MANUJA J. (Oral)**

1. This common judgment shall dispose of the aforementioned  
two connected Regular First Appeals, as they both involve common question  
of law and facts.

1.1 For convenience, the facts are being taken from **RFA-504-2000  
(O&M)**.

2. By way of present appeal, challenge has been laid to an Award

dated 28.09.1999 passed by the Court of learned Additional District Judge, Hoshiarpur (for short, “Reference Court”), whereby, reference petition preferred at the instance of landowner invoking Section 18 of the Land Acquisition Act, 1894 (for brevity, “**1894 Act**”), was partly allowed.

3. Brief facts of the case are that some land owned by the appellant-landowner, situated in the revenue estate of Village Roran, District Hoshiarpur, was acquired vide notifications dated 23.02.1989 and 30.03.1989, issued under Sections 4 & 6 of the 1894 Act, for the public purpose namely, “*proposed Kandhi canal*”. The Land Acquisition Collector vide its Award dated 22.03.1991, assessed the market value of the acquired land at the rate of Rs.44.11 per marla for *barani* land, Rs.43.75 per marla for *banjar qadin* land and Rs.56.41 per marla for *chahi* land besides grant of other statutory benefits.

4. Feeling dissatisfied with the award passed by the Land Acquisition Collector, the landowner preferred reference petition under Section 18 of the 1894 Act, seeking enhancement of compensation. Upon consideration of the material available on record, the learned Reference Court vide its award dated 28.09.1999, partly allowed the reference petition.

5. Aggrieved of the aforesaid decision of the learned Reference Court, the landowner as well as the State of Punjab preferred the aforementioned 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 landowner.

7. In the humble opinion of this Court, the learned Reference

Court went wrong having discarded the judgment dated 06.12.1993 (Ex.P-11) passed by the Court of Sh. M.S. Rattu, Additional District Judge, Hoshiarpur, whereby, the market value of the land situated in the adjoining village Bhaliala was adjudged @ Rs.192/- per marla in relation to notification dated 26.07.1988 issued under Section 4 of the 1894 Act. Even though, the learned Reference Court went on to record that distance between the two villages i.e. Roran and Bhaliala was only 1/2 km, still the reliance upon judgment dated 06.12.1993 (Ex.P-11) was denied in favour of the landowner. Further, once it was established on record that the distance between the aforementioned two revenue estates was merely 1/2 km, the learned Reference Court was required to rely upon the determination made in relation to the revenue estate of village Bhaliala for the purpose of assessment of market value for the adjoining revenue estate of Village Roran. Moreover, there was no evidence led on behalf of the State of Punjab so as to establish that there was any potential difference between the nature and location of the acquired land forming part of the two revenue estates of villages Roran and Bhaliala.

8. Accordingly, placing reliance upon the determination made vide award dated 06.12.1993 (Ex.P-11) for the revenue estate of village Bhaliala, the market value of the acquired land forming part of village Roran is assessed at the uniform rate of Rs.192/- per marla in favour of landowner. As there is no material time gap between the two notifications i.e. 26.07.1988 and 23.02.1989, the landowner is not entitled for any appreciation upon the determination made vide award dated 06.12.1993 (Ex.P-11). The landowner shall also be entitled for all other statutory

benefits provided under the Act, including the benefit of interest on solatium.

9. Furthermore, it has been established on record that as an effect of acquisition in question, the landholdings have been bifurcated and only a sum of Rs.10,000/- has been awarded by the learned Reference Court towards damages against severance of land. Although a bridge has been provided at a distance of approximately 40 karams from the landowner's property to enable him to cross over and access the remaining portion of his holdings, however, severance also causes reduction in value of remaining land due to alteration in access, useability, irregularity of shape and loss of agricultural viability etc.. As such, it would be appropriate to award damages against severance of land in favour of the landowner @ 25% of the market value as determined by this Court in the present case.

10. In view of the aforesaid discussion, the appeal filed at the instance of landowner is partly allowed and the appeal filed at instance of State of Punjab is dismissed.

11. Further, in case of unfortunate demise of any of the appellants-landowners, if the legal heir(s)-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.

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

11.02.2026

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(i)Whether speaking/reasoned:

Yes (ii) whether reportable:

**(HARKESH MANUJA)**

**JUDGE**

Yes