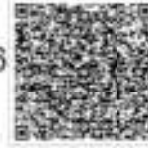


2026:PHHC:053356



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

Decided on:-30.03.2026

1. RFA-299-1998 (O&M)

Nachhattar Singh and othersAppellants.

vs.

The State of Punjab and anotherRespondents.

2. RFA-301-1998 (O&M)

Sadhu Singh and others ...Appellants.

vs.

The State of Punjab and another ...Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. A.K. Khunger, Advocate
for the appellants-landowners.

Mr. Puru Jarewal, DAG, Punjab.

HARKESH MANUJA J. (Oral)

1. This common judgment shall dispose of the aforementioned two connected Regular First Appeals, as both have arisen out of the same award.

1.1 For convenience, the facts are being taken from ***RFA-299-1998 (O&M)***.

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

dated 08.09.1997 passed by the learned Additional District Judge, Faridkot (for short, "Reference Court"), whereby, reference petition(s) preferred at the instance of appellant(s)-landowner(s) invoking 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 appellant(s)-landowner(s), situated in the revenue estate of Village Khilchi, Tehsil and District Faridkot, was acquired vide notifications dated 21.08.1989 and 29.06.1990, issued under Sections 4 & 6, respectively of the 1894 Act, for the public purpose namely, "*construction of reclamation Channel (Kallar land improvement)*". Land Acquisition Collector (for brevity, "**LAC**") vide its award dated 25.11.1992 assessed the market value @ Rs.60,000/- per acre for *nehri* land and Rs.25,000/- per acre for *barani* land along with other statutory benefits under the 1894 Act.

4. Feeling dissatisfied with the award passed by the LAC, the appellants-landowners 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 08.09.1997, partly allowed the reference petition(s).

5. Aggrieved of the aforesaid decision of the learned Reference Court, the appellants-landowners preferred the aforementioned appeals.

6. Impugning the aforementioned award, learned counsel for the appellants-landowners raises only two contentions; firstly, that as an effect of acquisition, the land holdings of the appellants-landowners were bifurcated and as such, they were entitled for award of damages against severance. Further, it has been contended that earth was excavated from the

adjoining landholdings of landowners in the process of construction of drain, without payment of any compensation, therefore, they were entitled to additional damages on that account. Learned counsel for the appellant(s) does not raise any issue with respect to the determination of the market value.

7. Per contra, learned counsel appearing on behalf of the respondent(s)-State submits that the award passed by the learned Reference Court was based on proper appreciation of the evidence available on record and thus, the present appeals were liable to be dismissed.

8. I have heard learned counsel for the parties and gone through the paper book. I find substance in submissions made on behalf of the appellants-landowners to the extent that they are entitled to damages against severance.

9. In the given facts and circumstances, the subject land was acquired for the public purpose namely, for “*construction of Reclamation Channel (Kallar land improvement)*”, which definitely bifurcated the land holdings. In such circumstances, the appellants-landowners are bound to suffer loss towards cultivation of land besides causing them inconvenience towards connectivity of the parcels left on either side of the drain. Moreover, severance also causes reduction in value of remaining land due to alteration in access, useability, irregularity of shape and loss of agricultural viability etc., This fact was even admitted by RW-2 Baldev Singh, Zildar, Halqa Kasubegu. The relevant portion from his cross-examination is extracted hereunder:-

“It is correct that B to BI is a drain in Ex.R-2 and C-CI is the acquired land. It is incorrect to suggest that slopping of the fields

is towards drain B-B I. In acquired land C to CI no culverts were provided. Volunteer the same are not required. It is correct that acquired land has divided Khasra number 64 into two parts and no drain has been provided. No provision has been made for passing water of tubewell from one side to the other. The map was prepared according to musavi of patwari. That I have not brought today. Khasra number 7 is situated on the drain bridge. There is no over bridge at portion D in R-2. Volunteer the bridge has been sanctioned. The minor works for six months in a year and is about three feet in depth from the ground level. Except Faridkot-Ferozepur road there is no overbridge on the minor of acquired land Village Chak Kala Tola is inhabited by residents of village Golawala. Volunteer village Chak Kala Tola has no inhabitants of its own. It is incorrect to suggest that previously also the land near acquired land was being irrigated by canal water. It is wrong to suggest that I have deposed falsely.”

9.1. Thus, taking into account the material available on record and also the statement made by Baldev Singh, Zileadar, Halqa Kasubegu (RW-2) in his cross-examination, the appellants-landowners are held entitled for benefit towards damages against severance @ 25% of the market value as assessed by the learned Reference Court, however, the same shall be subject to proof of bifurcation of the land holdings by the appellants-landowners before the learned Executing Court by production of relevant revenue record. The appellants-landowners shall also be entitled to all other statutory benefits provided under the 1894 Act, including the benefit of interest on solatium.

10. With respect to the other contention raised on behalf of the appellants-landowners that some earth was excavated from their land holdings, the same has not been established on record. The witnesses

examined on behalf of the appellants-landowners nowhere mentioned the date of inspection of the site. In such circumstances, the said deposition cannot be relied upon as proof of excavation of earth or any loss to such effect to the appellants-landowners. Accordingly, the claim with respect to excavation of earth raised on behalf of the appellants-landowners being devoid of any merit is declined.

11. In view of the discussion made hereinabove, the award passed by the learned Reference Court is modified to the extent of award of 25% damages against severance over and above the market value as assessed by the learned Reference Court. Accordingly, the appeals filed at the instance of appellants-landowners are partly allowed.

12. 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.

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

30.03.2026
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(HARKESH MANUJA)
JUDGE

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