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RFA Nos.316 & 563 of 1999 (O&M)

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

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1.

RFA No.316 of 1999 (O&M)

Date of Decision: 11.03.2026

TELU RAM AND ORS.

.....Appellants

Vs

HARYANA STATE LAND ACQUISITION COLLECTOR, KAITHAL

THROUGH COLLECTOR, KAITHAL AND ANR.

...Respondent(s)

2.

RFA No.563 of 1999 (O&M)

BHARTHU AND ORS.

.....Appellants

Vs

HARYANA STATE LAND ACQUISITION COLLECTOR, KAITHAL

THROUGH COLLECTOR, KAITHAL AND ANR.

...Respondent(s)

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

Present: Mr. Deepak Sonak, Advocate
for the appellants.

Mr. Abhinash Jain, D.A.G., Haryana.

HARKESH MANUJA, J. (Oral)

[1]. Vide this common order, both the aforementioned Regular First Appeals, are being decided as the same have arisen out of common acquisition/Award involving identical facts and question of law. For the sake of brevity, facts are being taken from RFA No.316 of 1999.

[2]. By way of present appeal(s), challenge has been laid to the Award dated 22.07.1998 passed by the learned Addl. District Judge, Kaithal (hereinafter to be referred as the 'Reference Court').

[3]. Briefly stating, in the present case(s), land measuring 4.92 acres situated within the revenue estate of village Roherian, Tehsil and District Kaithal, came to be acquired vide Notifications dated 12.07.1993 and 20.01.1994 issued

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under Sections 4 & 6 of the Land Acquisition Act, 1894 (for short the '1894 Act') respectively for the public purpose, namely, '*for the construction of Dhundherheri Minor from RD 0 to 34750 off taking from RD 225950 Sirsa Branch*'. Award No.3, under Section 11 of the 1894 Act was passed by the Land Acquisition Collector (for short 'the LAC') on 13.06.1995, whereby market value of the acquired land was assessed @ Rs.60,000/- per acre along with all other statutory benefits and interests provided under the 1894 Act.

[4]. Dissatisfied with the Award passed by the LAC, the appellants/landowners invoked Reference under Section 18 of the 1894 Act, which came to be disposed of by the learned Reference Court vide Award dated 22.07.1998, thereby, upholding the market value assessed by the LAC, finding no scope for further enhancement of the said market value of the acquired land. Aggrieved thereof, the present appeals were preferred at the instance of landowners.

[5]. I have heard learned counsel for the parties and gone through the paper book as well as records of the case(s). I am unable to find substance in the submissions made on behalf of the appellants/landowners.

[6]. A perusal of the records shows that the appellants/landowners produced certified copies of sale deeds Ex.P-3 to Ex.P-5 in support of their claim towards enhancement of market value, however, all the said sale deeds pertained to the period post notification issued under Section 4 of the 1894 Act in the present case(s), thus cannot be relied upon. Besides it, no other evidence has been led to substantiate any additional locational or potential advantage attached to the acquired land.

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[7]. In such circumstances, the determination of market value already assessed by the LAC vide its Award dated 13.06.1995 calls for no interference. However, considering the fact that the acquisition in the present case(s) has been carried out for the public purpose namely, for the construction of Dhundherheri Minor from RD 0 to 34750 off taking from RD 225950 Sirsa Branch which has resulted into bifurcation of land owned by the appellants/landowners, they are entitled for damages on account of severance of land. Besides, it is not disputed by the respondents that as a result of the present acquisition proceedings, the land owned by the appellants/landowners stood bifurcated as some part of it came on the other side of minor. In such circumstances, the appellants/landowners are bound to suffer loss towards cultivation of land besides causing them inconvenience towards connectivity of the two parcels left on either side of minor. Moreover, severance also causes reduction in value of remaining land due to altercation in access, useability, irregularity of shape and loss of agricultural viability. Thus, the appellants/landowners are required to be suitably compensated as regards severance which has resulted from construction of minor.

[8]. As such, in the totality of facts and circumstances of the present case(s), the award passed by the learned Reference Court is modified to the following effect:-

- (i) in addition to the compensation-market value awarded by the LAC, the appellants/landowners shall be entitled to all statutory benefits and interest as contemplated under Section 23(2) 23(1-A) read with Section 34 of the 1894 Act.

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(ii) landowners/appellants shall also be entitled for 20% of the market value against severance of their land on account of construction of Dhundherheri minor from RD 0 to 34750 off taking from RD 225950 Sirsa Branch.

[9]. Accordingly, both the appeals stand disposed of in the aforesaid terms.

[10]. Pending application(s), if any shall also stand disposed of.

March 11, 2026	(HARKESH MANUJA)
Atik	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No