IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 21.01.2026

107

1. RFA No.66 of 2001 (O&M) with
XOBJR-32-CI-2001 (O&M)

PUNJAB STATE THROUGH THE LAND ACQUISITION COLLECTOR
.....Appellant

Vs

SMT. SWARAN KAUR ....Respondent

2. RFA No.67 of 2001 (O&M)

PUNJAB STATE THROUGH THE LAND ACQUISITION COLLECTOR
.....Appellant

Vs

HARJIT SINGH AND ORS. ....Respondents

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

Present: Mr. Gunjan Mehta, Addl. A.G., Punjab.
for the appellant.

Mr. Ranjit Saini, Advocate
for the cross-objectors/landowners.

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HARKESH MANUJA, J. (Oral)

[1]. By way of aforementioned two appeals, challenge has been laid to an award dated 22.03.2000 passed by the learned Additional District Judge, Hoshiarpur-cum-Reference Court.

[2]. Briefly stating, some land owned by the appellant(s)/landowner(s) forming part of revenue estate of Village Mand, Tehsil Dasuya, District Hoshiarpur was acquired vide notification dated 27.01.1989 and 01.02.1989 issued under Sections 4 & 6 of the Land Acquisition Act, 1894, (for short 'the Act') respectively, for public purpose, namely, construction of the *Kandi* canal. Award under Section 11 of the Act was passed by the Land Acquisition Collector (for

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short 'the LAC') on 24.07.1990, whereby market value in respect of the acquired land was assessed @ Rs.65.22 paisa per marla.

[3]. Being dissatisfied with the aforesaid award, the respondent(s)/landowner(s) filed reference petition invoking Section 18 of the Act, which came to be accepted by the learned Reference Court while increasing the market value of the acquired land @ Rs.160/- per marla, along with all statutory benefits, under the 1894 Act.

[4]. Aggrieved thereof, the present appeals have been preferred at the instance of the appellant/State. Cross-objections have also been preferred at the instance of the respondent(s)/landowner(s).

[5]. I have heard learned counsel for the parties and gone through the paper-book as well as records of the case.

[6]. In the present case, the Land Acquisition Collector vide its Award dated 24.07.1990 assessed the market value of the acquired land @ Rs.65.22 paisa per marla which was enhanced to Rs.160/- per marla by the learned Reference Court. From the deposition made by the own witness of respondent Kewal Singh, Patwari (RW-1) Land Acquisition Office, it has been established on record that the acquired land owned by the cross-objectors/landowners was in the close vicinity of *abadi deh* of village Mand being situated at a distance of 3 Killas. Further it has also been come on record that the whole acquired land of the cross-objectors/landowners was abutting the passage. This fact has even been established on record from the copy of *Aks Shajra* (Ex.R-1) proved on record by RW-1.

[7]. Furthermore, no interference is called for in the findings recorded by the learned Reference Court whereby sale deed dated 12.12.1988 (Ex.R-4) vide which 10 kanals 04 Marlas of land was alienated for a sum of Rs.6000/- with the

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base price of Rs.29.411 paisa per marla (Rs.4705.8 paisa per acre) was discarded as comparative location of the land parcel forming part of Ex.R-4 in comparison to the acquired land was not proved on record and also the sale price per *marla* derived from the Ex.R-4 was less than the market value assessed by the Land Acquisition Collector vide its award dated 24.07.1990. In such circumstances, while taking into account the geographical location of the acquired land being in close proximity of *abadi deh* of village Mand besides the same been directly abutting the passage, no interference is called for with the determination made by the learned Reference Court having awarded the market value of the acquired land @ Rs.160/- per marla.

[8]. Further, on the issue of award of damages towards severance of land in favour of the cross-objectors/landowners, it has been noticed that from the deposition made by Kewal Singh, Patwari (RW-1), it was established on record that while carrying out the acquisition for the purpose of construction of canal, the appellant/State had acquired the land owned by the cross-objectors/landowners which was abutting the passage and in this manner, the remaining land beyond the canal has not been left with any direct passage. In such circumstances, the cross-objectors/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 the Canal. 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., as such, it was appropriate to award damages against severance of land in favour of the cross-objectors/landowners @ 20% of the

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market value as assessed by the learned Reference Court besides award of all other statutory benefits/interest thereupon.

[9]. In view of above, finding no illegality or perversity, no reason is made out for interference with the Award passed by the learned Reference Court. The present appeals are, therefore, dismissed being devoid of merits. The cross-objections filed by this cross-objectors/landowners are allowed to the aforementioned extent only. The respondent(s)/cross-objector(s) shall also be entitled for all other statutory benefits and interest as provided under the 1894 Act.

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

(HARKESH MANUJA)
JUDGE

January 21, 2026
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Whether speaking/reasoned Yes/No
Whether reportable Yes/No

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