

2026:PHHC:064858



RFA Nos.4653 of 2015 (O&M) with connected cases

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RFA No.4653 of 2015 (O&M)
with other connected cases
Date of Decision: 28.04.2026

JAGDISH

.....Appellant

Vs

STATE OF HARYANA AND ANR.

...Respondents

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

Present: Mr. Sachin Gupta, Advocate and
Mr. Vimal Kumar Gupta, Advocate
for the appellant(s).

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

HARKESH MANUJA, J. (Oral)

[1]. Vide this common order, the present appeals bearing RFA Nos.4653 to 4656 of 2015; 48 of 2016; 6265 and 6354 to 6357 of 2015 are being decided as all these appeals have arisen out of common acquisition and involve identical facts and questions of law. For the sake of brevity, facts are being taken from RFA No.4653 of 2015.

[2]. By way of present appeal(s), challenge has been laid to the Award dated 30.07.2014 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 3.80 acres situated within the revenue estate of village Padla, H.B. No.9, Tehsil and District Kaithal, was acquired vide Notifications dated 09.06.2010 and 28.12.2010 issued under Sections 4 & 6 of the Land Acquisition Act, 1894 (for short the '*1894 Act*') respectively for the public purpose, namely, "*for Extension of Shergarh Guhna*"



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Link Channel". Award under Section 11 of the 1894 Act was passed by the Land Acquisition Collector (for short '*the LAC*') on 20.05.2011, whereby market value of the acquired land was assessed @ Rs.12,00,000/- per acre for all kinds of land alongwith granting all other statutory benefits under the 1894 Act.

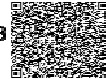
[4]. Aggrieved thereof, the landowner(s) preferred their objections in terms of Section 18 of the 1894 Act which were referred to the learned Reference Court and were partly accepted vide its award dated 30.07.2014, while re-assessing the market value of the acquired land @ Rs.23,28,986/- per acre irrespective of its nature besides granting all other statutory benefits under the 1894 Act.

[5]. Still aggrieved, the present appeals were preferred at the instance of the appellant(s)/landowner(s).

CONTENTION(S):

ON BEHALF OF THE APPELLANT(S)-LANDOWNER(S): -

[6]. Impugning the aforesaid Award, learned counsel for the appellant(s)/landowner(s) submits that through there was sufficient evidence brought on record to establish bifurcation of land holdings as an effect of acquisition in the case(s) in hand, however, the learned Reference Court failed to award any damages on account of severance of land. He further submits that the Award passed by the learned Reference Court was required to be modified while granting 50% of the market value assessed by it towards damages against severance of land holdings, as such, the impugned award dated 30.07.2014 passed by the learned Reference Court was liable to be set aside and the appeals filed at the instance of the appellant(s)/landowner(s) were to be allowed. No other argument has been raised.



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ON BEHALF OF THE RESPONENT(S)/STATE:-

[7]. Per contra, learned State counsel submits that a well-reasoned and justified Award had been passed by the learned Reference Court upon appreciation of the pleadings and the evidence available on record which, calls for no interference and, thus prays for dismissal of the appeal(s) preferred at the instance of the appellant(s)/landowner(s) as they were not entitled for award of damages against severance of land holdings; the same not been established on record by them. No other argument has been raised.

DISCUSSION AND REASONING: -

[8]. I have heard learned counsel for the parties and gone through the paper book as well as records of the case(s). I find substance in the submissions made on behalf of the appellant(s)/landowner(s).

[9]. Pertinently, only the landowner(s) is/are in appeal and neither any appeal nor cross-objections have been preferred as the instance of the respondent(s)/State.

[10]. In the given facts and circumstances, the learned Reference Court while relying upon sale deed dated 23.11.2009 (Ex.PA) which pertained to the same revenue estate of village Padla, determined the market value of the acquired land as on the date of notification under Section 4 of the 1894 Act in the case(s) in hand @ Rs.23,28,986/- per acre besides grant of other statutory benefits under the 1894 Act.

[11]. As already observed that the respondents/State did not assail the decision rendered by the learned Reference Court either by way of filing appeal or even cross-objections thus, accepted the assessment of compensation made therein.

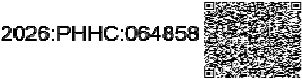


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Moreover, no argument has been raised on behalf of the appellant(s)/landowner(s) with respect to any claim towards further enhancement of market value, as such in view of above reasons, the determination made by the learned Reference Court @ Rs.23,28,986/- per acre is thus, upheld. The landowners shall also be entitled for award of all statutory benefits and interest as provided under the provisions of the 1894 Act (amended upto date). The landowners shall also be entitled for solatium besides award of interest thereupon.

[12]. Further, with respect to the damages claimed by the appellant(s)/landowner(s) towards severance of land holdings, it may be noticed here that in order to establish such claim, *Aks Shajra* (Ex.PB) was produced and proved on record by one of the landowners, namely, Badan Singh while appearing as PW-2. He was never cross-examined by the respondent(s)/State with respect to the validity or authenticity of *Aks Shajra* (Ex.PB), which clearly established the bifurcation of land holdings. Furthermore, considering the fact the land in the present case(s) was acquired for the public purpose, namely, “*for Extension of Shergarh Guhana Link Channel*” which thus resulted into bifurcation of land owned by the appellant(s)/landowner(s), 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 Minor. 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., thus, it would be appropriate to award damages against severance of land in favour of the landowners @ 25% of the market value as

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assessed by the learned Reference Court, however subject to further proof of loss by the appellant(s)/landowner(s) in the executing proceedings.

[13]. Consequently, in view of discussion made hereinabove, all the appeals are disposed of with the above modification.

[14]. Wherever the landowner(s) has/have unfortunately expired in the appeal(s)/cross-objection(s) after filing thereof and the legal heirs have not been impleaded, they shall be at liberty to seek execution of the present decision by moving appropriate application(s) before the learned Executing Court.

[15]. All pending application(s), if any, shall also stand disposed of.

April 28, 2026
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No