



RFA Nos.2451 of 2016 (O&M) with other connected cases

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

217-U

RFA No.2451 of 2016 (O&M)
with other connected cases
Date of Decision: 05.05.2026

SAMUNDER SINGH AND ORS.

.....Appellants

Vs

UNION OF INDIA AND ORS.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sandeep Parkash Chahar, Advocate
for the appellants/landowners.

Mr. Pankaj Gupta, Sr. Panel Counsel, UOI
for respondent No.1 (through V.C.).

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

HARKESH MANUJA, J. (Oral)

[1]. Vide this common order, RFA Nos.2451, 2452, 2453, 1669, 1670 & 1671 of 2016 (O&M) 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.2451 of 2016**.

[2]. By way of present appeal(s), challenge has been laid to the Award dated 02.11.2015 passed by the learned Addl. District Judge, Jhajjar (hereinafter to be referred as the '**Reference Court**').

[3]. Briefly stating, in the present case(s), total land measuring 67 Kanals 10 Marlas, situated within the revenue estates of village Dadanpur, Tehsil and District Jhajjar was acquired vide Notifications dated 09.02.2007 and 03.03.2007 issued 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 Rohtak-*



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Jhajjar-Rewari new Railway Line”. Award under Section 11 of the 1894 Act was passed by the Land Acquisition Collector (for short ‘the LAC’) on 31.05.2007, whereby market value of the acquired land was assessed @ Rs.16,00,000/- per acre for all kinds of land 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 was decided by the learned Reference Court vide its award dated 02.11.2015, while upholding the compensation awarded by the LAC to be just and reasonable. However, due to bifurcation of the landholdings of the appellants/landowners, damages @ 20% of the market value as assessed by the LAC, on account of severance were awarded, besides granting all other statutory benefits/interest in their favour under the 1894 Act. Aggrieved thereof, the present appeals were preferred at the instance of landowners.

CONTENTION(S):

ON BEHALF OF THE APPELLANT(S)/LANDOWNER(S)

[5]. Impugning the aforesaid Award, learned counsel for the appellants/landowners submits that the learned Reference Court erred while discarding the sale deed dated 19.06.2015 (Ex.P-1) vide which 18 kanals 2 marlas of land situated within the revenue estate of village Gijarod, Tehsil and District Jhajjar was sold for Rs.1,39,00,000/- with base price of Rs.61,43,646/- per acre.

[5.1]. Learned counsel also points out that after application of doctrine of de-escalation upon the sale price per acre derived from sale deed dated 19.06.2015 (Ex.P-1) for the time gap between the date of sale i.e. 19.06.2015 till the date of



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Notification issued under Section 4 of the 1894 Act, in the present case(s) i.e. 09.02.2007, the market value needs to be enhanced in favour of the appellants/landowners.

[5.2]. Learned counsel further points out that the benefit @ 20% of the market value towards damages against severance of landholdings as awarded by the learned Reference Court was also on lower side. Learned counsel while placing reliance upon the decision rendered by this Court in RFA No.4223 of 2012 titled '*Executive Engineer/Construction, Northern Railway, Rohtak Vs. Abhey Singh and others*' decided on 12.05.2016 contends that damages towards severance of landholdings were required to be enhanced upto 50% of the market price as assessed by this Court and accordingly, the compensation ought to be re-assessed in favour of the appellants/landowners. No other argument has been raised on behalf of the appellant(s)/landowner(s).

ON BEHALF OF THE RESPONDENT(S):-

[6]. On the other hand, learned State counsel submits that the sale deed dated 19.06.2015 (Ex.P-1) pertained to the period post notification under Section 4 of the 1894 Act and same was required to be discarded. He also contents that damages @ 20% as assessed by the learned Reference Court in favour of the appellants/landowners towards severance of their landholdings were sufficient, just and fair and as such, the well-reasoned award passed by the learned Reference Court calls for no interference being based on proper appreciation of material available on record and, thus prays for dismissal of the appeal(s). No other argument has been raised on behalf of the respondent/State.



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DISCUSSION AND REASONING: -

[7]. I have heard learned counsel for the parties and gone through the paper book as well as records of the case(s).

[8]. In the facts and circumstances of the present case(s), the acquired land pertains to the revenue estate of village Dadanpur, Tehsil and District Jhajjar, whereas the sale instance dated 19.06.2015 (Ex.P-1) relates to the revenue estate of village Gijarod, Tehsil and District Jhajjar. The comparative locational proximity of the two revenue estates, whether in close vicinity or as adjoining villages, was not established on record. Furthermore, the sale instance dated 19.06.2015 (Ex.P-1) pertains to period post notification under Section 4 of the 1894 Act in the case(s) in hand issued on 09.02.2007, thereby reflecting a gap of nearly eight years. In view of such a substantial time gap, it would neither be safe nor justifiable for this Court to apply the doctrine of de-escalation on the base price derived from the said sale instance for the purpose of determining the market value in the present case(s). The plea raised on behalf of the appellants/landowners thus, needs to be discarded.

[9]. Moreover, no other evidence was adduced by the appellants/landowners to substantiate the plea of enhancement of the market value in the case(s) in hand. In such circumstances, where the parties were not able to place on record any cogent and reliable evidence warranting any interference with the assessed market value, this Court would not be justified in enhancing compensation merely on the basis of conjectures, surmises, or hypothetical assumptions.

[10]. Accordingly, the market value assessed by the LAC @ Rs.16,00,000/- per acre for all kinds of land as affirmed by the learned Reference Court needs to



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be maintained. As such, to the said extent, no interference is called for with the award passed by the learned Reference Court.

[11]. Furthermore, upon detailed discussion of the evidence available on record, the learned Reference Court went on to grant damages @ 20% of the market value assessed by the LAC in favour of the appellants/landowners as against damages towards severance of their landholdings on account of the present acquisition proceedings. In the case(s) in hand, acquisition was carried out for the public purpose, namely, “*for the construction of Rohtak-Jhajjar-Rewari new Railway Line*”. It is a matter of common knowledge that land abutting an operational railway line is generally not preferred for residential or commercial development. Accordingly, the remaining land parcels of the appellants/landowners situated in close proximity to the railway track are likely to remain confined to agricultural use, thereby diminishing their potential use and future utility, which in turn adversely affects their market value.

[11.1]. Under similar circumstances, this Court in **Abhey Singh’s case** (supra) went on to award damages towards severance @ 50% of the market value in favour of the landowners. Relevant paras thereof are extracted hereunder:-

“The next equally important question of law that falls for consideration of this Court is whether the land owners are entitled to receive the compensation on account of severance charges and if so, to what extent. It is a matter of record that the land was acquired for setting up the railway line. Neither it shall be feasible nor practical for the Railways Department to provide underpasses or over-bridges at short distances on the railway line, so as to enable the land owners to approach their unacquired land for the purpose of its cultivation. Resultantly, the land owners will have to cover long distances to reach their unacquired land with a view to cultivate the same. Covering long distances by the land owners, will add to the expenses incurred by the land owners, including transportation charges,



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which will substantially reduce the net agricultural income and that too, for all times to come. Keeping in view the totality of facts and circumstances of the case noticed hereinabove, this Court is of the considered opinion that the land owners are entitled to receive the compensation on account of severance charges, to the extent of 50% of the abovesaid market value. The view taken by this Court also finds support from the following judgments of this Court: -

- 1. Smt. Bindu Garg Vs. State of Haryana, 1999 (2) RCR (Civil) 261*
- 2. State of Haryana Vs. Kartar Singh, 2010 (2) RCR (Civil) 443*
- 3. State of Punjab and another Vs. Ishar Singh, 2010 (5) RCR (Civil) 239.*
- 4. Chanan Singh Vs. State of Punjab, 2010 (5) RCR (Civil) 283.*

The relevant observations made by this Court in paras 14 and 15 in Chanan Singh's case (supra), read as under: -

*“Reverting back to the second argument of the learned counsel for the appellant that severance charges allowed by the learned Reference Court @ 25% of the market value of the un-acquired land should have been 50%. I am in full agreement with the argument raised by the learned counsel for the appellants that in view of the decision of this Court rendered in the cases of **State of Haryana v. Rajinder Kumar, 2000(1) All India Land Acquisition & Compensation Cases 360, Punjab State v. Gurbachan Singh and others, 1988 PLJ 490, Smt. Narinder Kaur v. The State of Punjab and others, 1980 PLR 473, State of Punjab through Collector, Hoshiarpur and another v. Gopal Singh, (2002-2) PLR 843 and State of Punjab through Collector, Hoshiarpur v. Radha Krishan, 1989 All India Land Acquisition and compensation Cases 667, Tehal Singh and others v. The State of Punjab and another, 1987 All India Land Acquisition & Compensation Cases 491 and Bishan Dass v. State of Punjab, 1997(2) PLJ 416. (supra), severance charges has to be awarded @ 50% of the market value of the unacquired land instead of 25%. In view of above, the finding of the learned Reference Court on issue No.2 is modified and the appellants are held entitled to the***



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severance charges @ 50% instead of 25% as given by the learned Reference Court.

With this modification in the judgment of the learned Reference Court, the appeals filed by the landowners/claimants are allowed. They are held entitled to compensation @ Rs.64,000/- per acres from the date of issuance of notification under Section 4 of the Act, besides all the statutory benefits in terms of the provisions of the Amended Act. They shall also be entitled to severance charges @ 50% instead of 25% of the land which has been severed to due to acquisition. The appellants are also held entitled to the costs of the appeals.

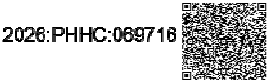
Order accordingly.”

Let it be specifically recorded here that no better evidence or any judicial precedents were pressed into service nor any other argument was raised on behalf of either of the parties.

Considering the peculiar facts and circumstances of the cases noted above, coupled with the reasons aforementioned, this Court is of the considered view that the appeals filed by the beneficiary department i.e. Northern Railway, Rohtak are wholly misconceived, bereft of merit and without any substance, thus, these must fail and the same are hereby dismissed.

The appeals filed by the land owners deserve to be partly accepted and the same are allowed to the extent indicated above. The land owners are held entitled to receive the compensation for their acquired land at the rate of Rs.30,47,619/- per acre, from the date of notification under Section 4 of the Act. The land owners are also held entitled to receive 50% of the abovesaid market value, on account of severance charges, from the date of acquisition of their land. Besides this, the land owners shall be entitled for all the statutory benefits available to them, under the relevant provisions of the Act.”

[12]. In view of above, the appellants/landowners are held entitled to the award of damages against severance of their landholdings @ 50% of the market



value as assessed by the LAC. In addition, the appellants/landowners are also entitled to the statutory interest and benefits. The interest shall be @ 9% per annum for one year and thereafter @ 15% per annum in terms of Section 28 of the 1894 Act.

[13]. Consequently, in view of the discussion made herein above, all the appeals preferred at the instance of appellants/landowners are disposed of.

[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.

May 05, 2026	(HARKESH MANUJA)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No