

CNR No:PBJL010172682023

CASE No:EXE-357-2023

CHARAN SINGH Vs GOVT. OF INDIA

Present: Sh.Rakesh Aggarwal, Ld. Advocate for DH.
JDs. No.1 & 2 exparte v.o.d. 19.07.2024.

1. This order shall dispose of objections dated 10.11.2025 filed by DH against the calculations submitted by CALA.

2. Ld. Counsel suffered statement that he does not press the objection regarding interest from the date of Section 3 D notification of National Highways Act.

3. It is further averred and argued that the DHs are entitled for interest on the enhanced compensation for the severance of land. Ld. Counsel for the DH relied upon Section 28 and it is argued that as per the Section 28 every enhanced amount of land compensation attracts interest @ 9% and 15% as provided under Section 28 of the Land Acquisition Act.

4. It is further averred and argued that in the Judgment passed by the Apex Court in case titled as **“State of Punjab Vs. Amarjit Singh”** CA No. **1494 of 2011** as well as in case titled as **“Sunder Vs. Union of India”**(2001) 7 SCC 211 it has held that S.28 shall have application on all amount enhanced under S. 23(1), 23(1A) and 23(2) of the Act. It is held that the interest is payable on the entire enhanced compensation. It is averred and argued that since the amount of structure was awarded in lump sum and the same was payable on the date of award passed by the Ld. Arbitrator but the said amount is not paid till date and the DHs are entitled for interest @ 9 % and 15% as per the Section 28 of the Land Acquisition Act.

5. The Ld. Counsel for DH further argued that as per the Section 3G (7) the competent authority or the Arbitrator shall take into consideration the damage, if any, sustained by the reason the person interested at the time of the Collectors taking possession of the land by reason of severance such land from his other land. It is further averred and argued that as per the Section 3 H(5)(6) where the amount is determined by the competent authority is enhanced by the Arbitrator, the same also attracts interest @ 9% and 15% as provided under Section 28 of the Land Acquisition Act.

With these prayers, Ld. Counsel for the DH prayed that present objection may be allowed by directing JD No.3 to file the fresh calculation sheet.

6. The JDs No.1 & 2 are already proceeded exparte v.o.d. 19.07.2024 and JD No.3 filed reply dated 10.02.2026 and refuted all the averments made by the DH and it is averred and argued that the award was modified by the Hon'ble Court v.o.d. 05.12.2022 wherein the Hon'ble Court has modified the interest U/s 28 of Land Acquisition Act. As such, the interest is calculated from the date of possession.

7. On merits, it is further averred that Section 28 and Section 23 (1) of the Land Acquisition Act is not applicable on the National Highway Act.

With these submissions, prayer is made to dismiss the objection preferred by DH.

8. I have considered the arguments of Ld. Counsel for DH and JD No.3/CALA-cum-SDM, Mukerian and gone through the record of the case.

9. In the present case, the land situated at Vill. **Dugri Rajputtan**, Tehsil Mukerian, Dist. Hoshiarpur was acquired by the CALA and the land rates @ 2,30,000/- per marla along with statutory benefits have already attained finality.

10. The only question before this Court is that whether the DHs are entitled for interest on severance of land. To deal with the issue, on going through the provisions of Section 3(b) of the National Highways Act, 1956, it can safely be concluded that everything attached to the earth or permanently fastened to anything attached to the earth is included within the meaning and definition of land and thus, the value of the land as assessed by the CALA or re-determined by the arbitrator-cum-Divisional Commissioner, Jalandhar can well be said to be the value in respect of everything attached to the earth or permanently fastened to anything attached to the earth. **For the purpose of ready reference, the definition of 'land' as per Section 3(b) of the National Highways Act, 1956 is reproduced as follows:-**

"3.

Definitions:-

In this Act, unless the context otherwise requires,--

(a) xxxxxxxx

**(b) “land” includes benefits to arise out of land and things
attached to the earth or permanently fastened to anything
attached to the earth”**

11. Since structure over any land is in the nature of the things attached to the earth or permanently fastened to anything attached to the earth, the value assessed in respect of the acquired land includes the value of structure/construction on such acquired land further Section 3-G(7) of the National Highways Act, 1956, provides that the damages by way of severance of land is to be taken into consideration U/s 34 (7) of National Highways Act which is being reproduced as follows:-

“3-G(7) The competent authority or the arbitrator while determining the amount under Sub Section (1) or sub section (5) as the case may be, shall take into consideration:-

- (a) the market value of the land on the date of publication of the notification under Section 3-A;
- (b) the damage, if any, sustained by the person interested at the time of taking possession of the land, by reason of the severing of such land from other land;
- (c) the damage, if any, sustained by the person interested at the time of taking possession of the land, by reason of the acquisition injuriously affecting his other immovable property, in any manner, his earnings;
- (d) if, in consequence of the acquisition of the land, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change.

12. The above referred provisions of Section 3-G(7) of the National

Highways Act, 1956 provides for assessment of severance of land compensation.,

Further, Section 28 of Land Acquisition Act provides that **Collector may be directed to pay interest on excess compensation:-**

“If a sum which, in the opinion of the Court, the collector ought to have awarded as compensation is in excess of the sum which the Collector did award as compensation, the award of the Court may direct that the Collector shall pay interest on such excess at the rate of (nine per centum) per annum from the date on which he took possession of the land to the date of payment of such excess into Court.”

13. The perusal of the above provisions as well as the judgment relied upon Learned counsel for DH provides that any amount which is in excess of the amount awarded by the CALA, attracts interest @ 9% and 15% as per the Section 28 and further the above benefits that i.e. severance of land is provided under the National Highways Act itself and the same are statutory benefits and the contention of the Ld. JD No.3 that same are not statutory benefit does not find any force and the contention of the Ld. Counsel for DH that as per the Section 28 of the Land Acquisition Act, the excess enhanced amount whether it is granted by the CALA Arbitrator or granted by Court attracts interest @ 9% for the first year and 15% per annum for the rest of period holds water.

14. In view of the above, the objections preferred by Ld. Counsel for the DH partly allowed and competent authority is directed to file the fresh Calculation sheet by calculating interest on severance of land. Now, the case stands adjourned to **11.05.2026** for awaiting fresh Calculation sheet.

Dated: 15.04.2026
Anju*

(Naresh Kumar Garg)
Addl.District Judge-VIII,
Jalandhar
UID No. PB00841