



**RFA-2764-1994 (O&M) & RFA-432-1995 (O&M)**

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

**105 (2 cases)**

**RFA-2764-1994 (O&M)**

**Date of Decision: 08.07.2026**

**Kartar Chand and others**

**...Appellants**

**Versus**

**State of Punjab**

**...Respondent**

**And**

**RFA-432-1995 (O&M)**

**Dass (deceased) through his LRs and others**

**...Appellants**

**Versus**

**State of Punjab**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. Jagjit Singh, Advocate for the appellants  
(in RFA-2764-1994)

Mr. Vinod Kumar, Advocate for the appellants  
(in RFA-432-1995)

Mr. Puru Jarewal, Deputy Advocate General, Punjab  
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**JAGMOHAN BANSAL, J. (Oral)**

1. As common issues are involved in the captioned appeals, with the consent of both sides, the same are hereby disposed of by this common order. For the sake of brevity and convenience, facts are borrowed from *RFA No.2764 of 1994*.

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2. The appellants through instant appeal are seeking modification of award dated 09.08.1994 whereby learned Additional District Judge, Hoshiarpur has not awarded compensation as claimed by them.

3. The State Government issued notification dated 25.06.1987 under Section 4 of the Land Acquisition Act, 1894 (for short '**1894 Act**') for acquisition of situated in village Sansarpur, Tehsil Dasuya, District Hoshiarpur with intent to construct kandi canal. The said notification was followed by notification dated 24.07.1987 issued under Section 6 of 1894 Act.

4. The Land Acquisition Collector (for short '**Collector**') vide Award dated 18.07.1989, in terms of provisions of 1894 Act, determined compensation payable to landowners. Market value of the acquired land was determined as ₹8,000/- per acre. Landowners were held entitled to solatium and other statutory benefits. Feeling dis-satisfied from aforesaid award, landowners preferred petitions before the Collector which were referred to Court under Section 18 of the 1894 Act.

5. The landowners as well as State, in support of their contentions, led their evidence. The State attempted to justify market value determined by Collector, however, landowners vehemently pleaded that value of their land has been assessed on lower side.

6. The Reference Court, appreciating evidence led by both sides, by impugned common award adjudicated 2 petitions. The Reference Court has assessed market value of acquired land ₹25,000/- per acre. In this way, the Reference Court has enhanced market value from ₹8,000/- per acre

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(determined by Collector) to ₹25,000/- acre. The appellants-landowners are in appeal before this Court.

7. Learned counsel for the appellants submits that appellants were owner of 117 Kanals and 8 Marlas land. The respondent acquired 24 Kanals 9 Marlas land. Jurisdictional Patwari appeared before the Court and categorically stated that land was partitioned into two parts. Reference Court has rejected their claim on the sole ground that issue was not framed. The Court has further discarded sale deed Exhibit A-3 which was of adjoining village and of the same year. Sale consideration recorded in said sale deed was of ₹51,000/- per acre.

8. *Per contra*, learned State counsel supports findings of the Reference Court, however, expressed his inability to controvert that Revenue Officer has accepted that acquisition entailed division of land into two parts. He further submitted that Reference Court has rightly discarded Exhibit A-3 because it was with respect to another village and area of land was 3 Kanals 3 Marlas whereas land acquired was in acres.

9. Heard the arguments and perused the record.

10. From the perusal of record, it is evident that learned Reference Court has accepted contention of appellants to the extent that Collector did not correctly determine value of their land. The Collector determined value of land ₹8,000/- per acre. Reference Court has determined value of land ₹25,000/- per acre. The Court has considered that land of claimants is *Barani* as per revenue record, thus, they are not entitled to compensation as payable to owners of *Chahi* land. The appellants are relying upon Exhibit A-3 wherein sale consideration recorded is ₹51,000/- per acre. The said

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evidence cannot be relied upon because area of land in the said deed was 3 Kanals 3 Malas whereas land in question is more than 5 acres. Further, said land was not adjoining the land in question. There is no other evidence disclosing that value of land was more than assessed by Reference Court. Revenue Officer, before the Reference Court, conceded that acquisition has entailed division of land into two parts. Division of land makes land less viable as well as valuable for all purposes, thus, appellants are entitled to severances charges to the extent of 20% of the assessed market value.

11. In the wake of above discussion and findings, this Court is of the considered opinion that impugned order deserves to be modified. Accordingly, impugned order is hereby modified to the extent that appellants are entitled to severances charges @ 20% of assessed market value.

12. The Executing Court is requested to adjudicate appellants' application seeking release of compensation expeditiously.

13. Disposed of in above terms.

14. Pending application(s), if any, shall stand disposed of.

**(JAGMOHAN BANSAL)**  
**JUDGE**

**08.07.2026**  
*Mohit Kumar*

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |