



RFA-824-2008 (O&M) and other connected cases

[1]

106

2026:PHHC:065307



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

RFA-824-2008 (O&M)

Date of Decision: 23.04.2026

State of Haryana**.....Appellant****Versus****Bani Singh and others****.....Respondents****CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA****Present:** Mr. Abhinash Jain, DAG, Haryana.

Mr.Sushil Dhull, Advocate
for the respondent(s)/landowner(s).

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HARKESH MANUJA, J. (ORAL)

Vide this common order, a bunch of 23 Regular First Appeals, details of which are given in the footnote of this judgment, are being decided as all the appeals 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.824-2008.**

2. By way of present appeal(s), challenge has been laid to the Award dated 06.11.2007 passed by the learned Addl. District Judge, Jind (hereinafter to be referred as the '**Reference Court**').

3. Briefly stating, in the present case(s), some land situated within the revenue estates of Villages **Siwaha and Pillu Khera** District Jind was acquired vide Notifications dated 23.05.2003 and

**RFA-824-2008 (O&M) and other connected cases**

[2]

31.10.2003 issued under Sections 4 & 6 of the Land Acquisition Act, 1894 (for short the '**1894 Act**') respectively for the public purpose, namely, "*for construction of Siwaha Minor*". Award under Section 11 of the Act was passed by the Land Acquisition Collector (for short '**the LAC**') on 26.02.2004, besides award of all other statutory benefits and interests provided under the 1894 Act, determined the market value of the acquired land in the following manner:-

<u>Sr.No.</u>	<u>Type of Land</u>	<u>Value assessed Rs. per acre</u>
i.	Nehri and Chahi	Rs. 1,50,000/- per acre
ii.	Barani	Rs. 1,00,000/- per acre
iii.	land near the road upto one killa	Rs.2,00,000/- per acre

4 Dissatisfied with the Award passed by the LAC, appellant(s)-landowner(s) invoked References under Section 18 of the 1894 Act, which was partly allowed by the learned Reference Court vide its decision dated 06.11.2007, while granting enhanced compensation at a rate of Rs.3,00,000/- per acre for *nehri* and *chahi* land; besides interest @ 9% per annum for the first year and @ 15% per annum thereafter, alongwith awarding all other statutory benefits as provided under the 1894 Act.

5. Aggrieved of the aforesaid award passed by the learned Reference Court, the present appeals were preferred at the instance of landowners as well as State.

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

**RFA-824-2008 (O&M) and other connected cases**

[3]

7. A perusal of the record shows that prior to the acquisition in the case(s) in hand, vide a notification dated 30.08.2000 issued under Section 4 of the Act, land forming part of 14 revenue estates from Tehsil and District Jind including the two revenue estates, namely, Siwaha and Pillu Khera was acquired (hereinafter referred to as “***the previous acquisition***”). The comparative details of the two acquisitions are encapsulated in a tabulated form hereunder:-

<u>Details</u>	<u>Previous Acquisition</u>	<u>Present Acquisition</u>
Section 4	30.08.2000	23.05.2003
Section 6	12.1.2001	31.10.2003
Revenue Estate of Village(s) involved	Gatauli, Bura Dehar, Kinana, Samlo Khurd, Anupgarh, Biroli, Radhana, Brah Khurd, Brah Kalan, Kharak Ramji, Sewaha, Pillu Khera, Kalwa and Bhuran	Siwaha and Pillu Khera
Public Purpose	<i>Construction of Kalwa-Kinana drain.</i>	<i>Construction of Siwaha Minor.</i>
Award passed by the LAC For Sewaha and Pilu Khera	Siwaha: Rs. 1,50,000/- per acre for <i>nehri</i> , 70,000/- per acre for <i>barani</i> , Rs. 3,00,000/- per acre for <i>gair mumkin</i> . Pilu Khera: Rs. 1,50,000/- per acre for kinds of land. vide different awards.	Rs.1,50,000/- for <i>nehri</i> and <i>chahi</i> ; Rs.1,00,000/- per acre for <i>barani</i> and Rs.2,00,000/- per acre for the land near the road upto one killa. vide award dated 26.02.2004
Award passed by the Reference Court For Sewaha and Pilu Khera	Siwaha: Rs. 3,00,000/- per acre for <i>nehri</i> , 1,40,000/- per acre for <i>barani</i> , Rs. 5,00,000/- per acre for <i>gair mumkin</i> . Pilu Khera: No enhancement. vide different awards.	Rs.3,00,000/- per acre for <i>nehri</i> and <i>chahi</i> Vide award dated 06.11.2007.

**RFA-824-2008 (O&M) and other connected cases**

[4]

Determination by this Court in RFA-2918-2006 (O&M) in <i>Prem and others vs State of Haryana.</i>	Vide decision dated 03.12.2015, landowners were awarded uniform market value @ Rs.3,05,000/- per acre	-----
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A perusal of the above chart shows that for the land acquired in the same revenue estate of Village Siwaha and Pillu Khera vide previous notification dated 30.08.2000 for the public purpose, namely, “*for construction of Kalwa-Kinana drain*” this Court vide order dated 03.12.2015 passed in **RFA-2918-2006** titled as “***Prem and others vs State of Haryana.***” assessed the market value at the uniform rate of Rs.3,05,000/- per acre.

8. Subsequently, vide notification dated 23.05.2003 issued under Section 4 of the 1894 Act, the present acquisition was carried out from the land forming part of Villages Siwaha and Pillu Khera including few other villages for the public purpose, namely, “*for construction of Siwaha Minor*”. In such circumstances, it would be reasonable and appropriate to apply appreciation @ 12% per annum upon the determination made by this Court vide decision dated 03.12.2005 passed in ***Prem’s case*** (supra), @ Rs.3,05,000/- per acre for the time gap between the two notifications i.e. from 30.08.2000 upto 23.05.2003.

8.1. Accordingly, the market value for the acquired land in the case(s) in hand as on the date of notification under Section 4 of the 1894 Act comes to Rs. 4,04,918/- (rounded off to Rs. 4,05,000/- per

**RFA-824-2008 (O&M) and other connected cases**

[5]

acre). Therefore, the landowners are held entitled to market value @ **Rs.4,05,000/- per acre**, for *nehri* and *chahi* land. The appellants/landowners shall also be entitled for award of all other statutory benefits as provided under the 1894 Act especially interest on solatium as well.

9. It may be noticed here that taking into account the fact that the acquisition in the case in hand has been carried out for public purpose, namely, “*for construction of Siwaha Minor*”, which definitely and conclusively dissects the land by bifurcating it into two parts, 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 assessed by this Court.

10. Consequently, in view of the discussion made hereinabove, the appeal(s) preferred at the instance of appellant(s)/State are hereby dismissed and the appeal(s) filed by the respondent/landowners are partly allowed in the aforesaid terms.

11. Further, in case of unfortunate demise of any of the appellant(s)/landowner(s), if the legal heir(s)-legal representative(s) have not been brought on record, they shall be entitled for filing

**RFA-824-2008 (O&M) and other connected cases**

[6]

exemption applications in their own names being legal heirs or legal representatives of the deceased-landowners; subject of course to any testamentary document created by the deceased.

12. Pending application, if any, also stands disposed of.

23.04.2026
sanjay

(**HARKESH MANUJA**)
JUDGE

Whether speaking/reasoned? Yes/No
Whether Reportable? Yes/No

<u>Sr.No.</u>	<u>Case No.</u>
1.	RFA-825-2008 (O&M)
2.	RFA-826-2008 (O&M)
3.	RFA-827-2008 (O&M)
4.	RFA-828-2008 (O&M)
5.	RFA-829-2008 (O&M)
6.	RFA-830-2008 (O&M)
7.	RFA-831-2008 (O&M)
8.	RFA-832-2008 (O&M)
9.	RFA-1364-2008 (O&M)
10.	RFA-1366-2008 (O&M)
11.	RFA-1367-2008 (O&M)
12.	RFA-1368-2008 (O&M)
13.	RFA-1369-2008 (O&M)
14.	RFA-1370-2008 (O&M)
15.	RFA-1371-2008 (O&M)
16.	RFA-1372-2008 (O&M)
17.	RFA-2651-2008 (O&M)
18.	RFA-1698-2008 (O&M)
19.	RFA-1699-2008 (O&M)
20.	RFA-2415-2008 (O&M)
21.	RFA-2784-2008 (O&M)
22.	RFA-2913-2008 (O&M)

23.04.2026
sanjay

(**HARKESH MANUJA**)
JUDGE