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

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Date of Decision: 22.07.2025  
RFA No. 983 of 2009 (O&M)

1.

Jagdish Kumar and others .....Appellants

Versus

State of Haryana .....Respondent

2.

RFA No. 984 of 2009 (O&M)

Gajje Singh and others .....Appellants

Versus

State of Haryana and others .....Respondents

3.

RFA No. 985 of 2009 (O&M)

Lila Ram and anr. ....Appellants

Versus

State of Haryana and others .....Respondents

4.

RFA No. 1556 of 2009 (O&M)

Phuli Devi deceased through LRs & ors. ....Appellants

Versus

State of Haryana and others ....Respondents

5.

RFA No. 1599 of 2009 (O&M)

Puran (deceased) through his LRs .....Appellants

Versus

State of Haryana and others .....Respondents

6.

RFA No. 1601 of 2009 (O&M)

Surjeet Kaur .....Appellant

Versus

RFA-983-2009 (O&M) & 9 others [2]

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State of Haryana and others .....Respondents

7. RFA No. 1602 of 2009 (O&M)

Risalo Devi through her LRs and Others .....Appellants

Versus

State of Haryana and others .....Respondents

8. RFA No. 1678 of 2009 (O&M)

Roshan and Others .....Appellants

Versus

State of Haryana and others .....Respondents

9. RFA No. 5041 of 2010 (O&M)

Dharambir and others .....Appellants

Versus

State of Haryana and others .....Respondents

10. RFA No. 5042 of 2010 (O&M)

Brij Lal and others .....Appellants

Versus

State of Haryana .....Respondent

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

Present: Mr. Amit Chaudhary, Advocate  
for the appellants in all cases.

Mr. Abinash Jain, DAG, Haryana.

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**HARKESH MANUJA, J. (ORAL)**

This order of mine shall dispose of all the above said appeals by way of a common order as identical facts are involved



therein. For convenience, facts are being taken from RFA No.983-2009.

2. By way of filing the present appeal(s) challenge has been laid to the decision dated 06.10.2008 passed by the Additional District Judge, Fatehabad-cum-Reference Court.

3. Briefly stating, 12.10 acres of land situated in Village Baliala and Tohana, Tehsil Tohana, District Fatehabad was acquired by Government of Haryana vide notifications dated 15.12.2003 and 12.01.2004 issued under Sections 4 & 6 of the Land Acquisition Act, 1894 (hereinafter referred to as the 'Act') for public purpose, namely, for construction of Link Channel from RD 0 to 30950 off taking at RD 538021-L Bhakhra Main Line linking with Dhamatan Disty at RD 14400 in Village Tohana and Baliala in Tehsil Tohana District Fatehabad for reach RD 350 to 6612. The Land Acquisition Collector, Fatehabad in terms of his award dated 05.03.2004 while exercising powers under Section 11 of the Act assessed the market value of the acquired land @ Rs.2 lacs per acre for Nehri and Chahi land; and Rs.1.5 lakhs per acre for gair mumkin land, besides granting all other statutory benefits under the Act.

4. Being dissatisfied, the appellants-landowners sought reference under Section 18 of the Act which came to be partly allowed by the award dated 06.10.2008 and relevant portion therefrom is extracted hereunder:-

*“20. Thus, taking into consideration all the relevant factors,*



*the evidence adduced by both the parties and further taking clue from letter mark A dated 28.04.1995, from the copy of judgment Ex.P6 and observations of the Hon'ble Supreme Court made in Mohd. Hanif's case (supra) and also applying the rule of thumb, I feel that interest of justice would be met if the market value of the acquired land on 15.12.2003 is fixed Rs.3,00,000/- per acre.*

21. *Thus, I hereby decide both these issues hold that the petitioners are entitled to enhancement of the compensation as provided hereinabove.*

**ISSUE NO.2**

22. *The petitioners have not produced any documentary evidence to prove this issue hence, this issue is answered against the petitioners.*

**RELIEF**

23. *As a sequel to my above discussion and in view of my findings on foregoing issues particularly on issues No.1 and 2, the present references of the petitioners are partly allowed. The compensation of the acquired land of the petitioners on the date of publication of notification under Section 4 of the Act i.e. 15.12.2003 is awarded Rs.3,00,000/- per acre for all kinds of land. The petitioners shall also be entitled to all statutory benefits under Sections 23(1-A), 23(2) and 28 of the Land Acquisition Act. All the consolidated petitions are disposed of accordingly to the extent stated above. Counsel fee is assessed as Rs.770/- in each case. Memo of costs be prepared accordingly and file be consigned to the record room."*

5. Seeking further enhancement, the appellants-landowners preferred the present appeals, while the respondent-State being



satisfied with the award passed by the learned Reference Court did not assail its validity.

6. Learned counsel for the appellants submits that the Reference Court vide its award dated 06.10.2008 assessed market value at the rate of Rs.3,00,000/-per acre for all kinds of land besides awarding other statutory benefits for which it relied upon a previous award dated 08.11.2007 (Exh. P-6) relating to land falling in the Revenue Estate of Village Kalwan, District Jind, which was acquired for the same purpose i.e. construction of Dhamtan Link Channel. He further points out that this Court vide its decision dated 04.10.2017 passed in RFA No. 1196 of 2008 modified the said award dated 08.11.2007 passed by the Reference Court, thereby assessing the market value at the rate of Rs.6,66,988/- per acre. He also points out that even the Special Leave Petition filed at the instance of respondent-State being aggrieved of the decision dated 04.10.2017 passed in RFA No. 1196 of 2008 was dismissed by the Hon'ble Apex Court vide its order dated 16.04.2019 and thus the appellants-landowners were entitled for award of market value at the same rate i.e. Rs.6,66,988/- per acre besides all other statutory benefits.

6 (i) Learned counsel also points out that in the present case as an effect of acquisition, there has been bifurcation of land of the appellants-landowners, for which they were entitled for award of compensation on account of severance.

7. On the other hand, learned State counsel vehemently



opposes the claim raised at the instance of appellants-landowners while submitting that the appellants were not entitled for similar compensation as granted vide award dated 08.11.2007 or even the enhancement made thereupon by this Court vide its decision dated 04.10.2017 in RFA No. 1196 of 2008 as the land forming part of the said acquisition related to different village i.e. Village Kalwan, District Jind. In addition to it, he also submits that no substantial evidence was available on record to support the claim of the appellants towards enhancement of compensation. Learned State counsel also submits that the bifurcation of the land for making the appellants-landowners entitled for award of compensation under the head of severance, was never established on record and thus no such benefit could be granted in their favour.

8. I have heard learned counsel for the parties and gone through the paper book(s). I find substance in the submissions made on behalf of the appellants.

9. In the present case, the Reference Court vide its award dated 06.10.2008 assessed the market value of the land @ Rs.3,00,000/- per acre while placing reliance upon the decision dated 08.11.2007 (Exh. P-6) i.e. an award relating to Village Kalwan, District Jind, wherein also, the land was acquired for the same purpose i.e. for construction of Dhamtan Link Channel.

In this regard even a positive finding was recorded by the learned Reference Court to the effect that Village Kalwan, District



Jind and Village Baliyala District Fatehabad were adjoining villages. The said finding was also based on the statement of PW9-Ram Singh-Patwari Halqa Kamalwala. Relevant portion thereof from para 18 of the Reference Court award is reproduced hereunder:-

*“...It is admitted fact that village Kalwan District Jind and Village Baliyala District Fatehabad are adjoining villages as is evident from the statement of PW9 Ram Singh Patwari, Halqa Kamalwala....”*

On the contrary, no evidence in the shape of any site plan certified by the revenue authorities was even produced on record of the present appeals by the respondent State authorities to question the aforesaid finding of the learned Reference Court.

Further, even no appeal was ever preferred at the instance of the respondent-State while raising any kind of objection to question that there was dissimilarity between the nature; quality or even the potential of the land falling within the revenue estate of the Village Kalwan, District Jind as compared to the land forming part of the Village Baliyala (Balianwala) and Tohana, Tehsil Tohana, District Fatehabad. Rather Tohana has been a sub-division thus having a better potential and locational value as compared to the land situated within the revenue estate of Village Kalwan.

10. In such circumstances, once the market value in terms of land situated in Village Kalwan, District Jind was enhanced to Rs.6,66,988/- per acre by this Court vide decision dated 04.10.2017



passed in RFA No. 1196 of 2008 and the same was even upheld by the Hon'ble Apex Court vide its order dated 16.04.2019; the two Villages i.e. Kalwan and Baliala being adjoining to each other; relying upon the decision dated 04.10.2017, the appellants-landowners are also held entitled for the award of same market value at the rate of Rs.6,66,988/- per acre besides grant of all other statutory benefits/interest under the Act especially when the acquisition proceedings in both the cases commenced approximately during the same period vide notifications issued under Section 4 of the Act in the month of December 2003. In support, reliance can be placed upon a decision of the Hon'ble Apex Court in ***M/s Delhi Colonizers Vs. Union of India***, Civil Appeal No. 4668 of 1998 and other connected matters, decided on 05.12.2001 as well as the latest decision in case of ***Ram Kishan (since deceased) through his LRs etc. Vs. State of Haryana and others***, reported as AIR 2025 SC 2306, wherein the Hon'ble Apex Court has been pleased to record that the sale deeds or awards relating to adjoining villages can be relied upon as relevant piece of evidence for the purpose of determination of market value.

11. It may also be pointed out here that a specific plea was taken and submissions in this regard were made before the learned Reference Court with respect to grant of benefits against severance/bifurcation of the land owned by the appellants, however, the same was declined. Reference Court in the present case relied upon the decision/ award dated 08.11.2007 (Ex.P6) which was



modified by this Court to the following effect while dealing with the issue of benefits towards severance/ bifurcation:-

“.....This brings me to another facet of the matter: the purpose of acquisition was construction/Extension of Narwana Minor. And, as a necessary consequence, the land holdings of a few of the claimant/landowners stood bifurcated into two parts. Although, the reference Court specifically recorded; “But to my mind due to bifurcation of their land the petitioners might have suffered great hardship in cultivating and irrigation of their land”, yet did not award any compensation on account of severance. It is not disputed that this Court in the case of Rajinder (supra), which has since attained finality, had awarded compensation on account of severance @ 40% of the market value of the acquired land. That being so, the claimant/landowners, whose land stood severed or bifurcated owing to the acquisition in question, too would be entitled to compensation at the same rate i.e @ 40% of the market value of the acquired land as determined in the preceding paragraph.”

In conspectus of the above, the present appeals are disposed of in terms of order dated 04.10.2017 passed in **RFA No.1196 of 2008**, titled as Randhir Singh and others Vs. State of Haryana and another while granting similar benefits in all respect to the landowners including those towards bifurcation/ severance.

12. Disposed off accordingly.

13. Pending misc. application(s), if any, shall also stand disposed of.

**(HARKESH MANUJA)  
JUDGE**

**22.07.2025  
sanjay/Sumit Gusain**

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