



**128 (95 cases)**  
**IN THE HIGH COURT OF PUNJAB AND HARYANA**  
**AT CHANDIGARH**

\*\*\*\*\*

**Date of Decision: 14.10.2025**

**RFA No. 2917 of 2017 (O&M)**

**Deputy Chief Engineer and anr. ....Appellants**

**Versus**

**Zulfi Ram and another .....Respondents**

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

**Present:** Mr. Yogesh Putney, Advocate  
for the appellants (Deputy Chief Engineer)  
Mr. Vijay Lath, Advocate and  
Mr. Ajay S. Dhiman, Advocate  
for the appellants-State.

Mr. Naresh Kaushal, Advocate and  
Mr. Nitish Kaushal, Advocate  
Mr. Pritam Saini, Advocate and  
Mr. Vikram Rathore, Advocate  
Mr. Sumit Rana, Advocate  
for the landowners.

Mr. Vipul Dharmani, Advocate  
for the respondents  
(RFAs-748,757,4724 & 4726-2018).

Mr. Rajesh Tushar, Advocate,  
Mr. Gaurav Jagota, Advocate  
Mr. Rajeshwar Sharma, Advocate  
for X-objectors.

Mr. Inderpal Singh, Advocate for  
Mr. B.S. Randhawa, Advocate  
for respondent No.3.



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

Vide this common order, a bunch of 95 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 same acquisition/Award involving similar facts and question of law. For the sake of brevity, facts are being taken from **RFA No.2917 of 2017**.

2. By way of filing the present appeal(s) preferred at the instance of appellants-state as well as respondents-landowners, challenge has been laid to the decision dated 14.03.2017 passed by the learned Additional District Judge, Rupnagar-cum-Reference Court, hereinafter referred to as "Reference Court" for setting aside/ modification of the same.

3. Briefly stating, 141 acres 04 kanals 07 marlas of land situated within revenue estates of 09 villages in District Ropar, was sought to be acquired by the Government of Punjab vide notification dated 18.08.2009 issued under Section 4 of the Land Acquisition Act, 1894, for short 'the Act', for public purpose i.e. for construction of new B.G. Railway Line from Village Bhanupali to Bilaspur-Beri. However, vide notification dated 25.05.2010 issued under Section 6 of the Act, land measuring 62 acres 07 marlas situated within the revenue estates of 05 villages, namely, Bhanupali, Nangli, Jandla, Daruli and Bhallowal, Tehsil Nangal, District Ropar was acquired. The Land



Acquisition Collector, (for short 'the LAC') vide award dated 03.12.2013 assessed the market value in respect of the acquired land besides granting all other statutory benefits under the Act in the following manner:-

- i) Pahar : @ Rs.2,00,000/- per acre
- ii) Chou/ Khala : @ Rs.2,50,000/- per acre
- iii) Khadkana/Sajar Kadim: @ Rs.3,00,000/- per acre;
- iv) Barani : @ Rs.7,00,000/- per acre;
- v) Chahi/ Rasta/Sarak/Dher: @ Rs.10,00,000/- per acre;
- vi) Abadi : @ Rs.40,00,000/- per acre;
- vii) Commercial/ Commercial: @ Rs.50,00,000/- per acre;  
(Nahar te Upper)
- viii) Commercial (Main Road): @ Rs.70,00,000/- per acre;

4. Dissatisfied with the aforesaid award, the landowners filed reference petitions invoking Section 18 of the Act, which came to be disposed of vide decision dated 14.03.2017 by the learned Reference Court while determining the market value of the acquired land at the uniform rate of Rs.77,00,000/- per acre besides all other statutory benefits under the Act including 15% of enhanced compensation as damages towards severance.

5. Aggrieved of the Award passed by the learned Reference Court, the present appeals/XOBJR were preferred at the instance of appellants as well as landowners.

6. Impugning the aforementioned Award, learned counsel



for the appellants submits that the Reference Court went wrong while awarding the benefit of re-assessment of market value at the uniform rate in favor of landowners of all the revenue estates in question, having failed to take into account the nature; potential or even the location of the land under acquisition. He also contends that the learned Reference Court committed illegality while recording that the present was a case of no sale exemplar. Despite having noticed the sale exemplars (Ex.R-1 to Ex.R-4), which were proved from the side of the appellants, the same were never dealt with in the Award.

6.1 Learned counsel further submits that as per sale instance dated 25.11.2008 (Ex.R-4), which relates to the revenue estate of Village Jandla, 36.5 marla of land was sold for Rs.1 lakh, thereby, making the market value per acre as Rs.4,38,356/-. He thus, concludes that the award passed by the Land Acquisition Collector called for no interference as the landowners were awarded significantly higher amount in the award dated 03.12.2013.

6.2. Learned counsel for the appellants also contends that the benefit of damages @ 15% of the market value towards severance has been excessively awarded in favour of the respondents-landowners. He points out that in the absence of there being any evidence indicating loss towards irrigation facility or passage etc. to the respondents-landowners on account of laying down of the



Railway Track, the learned Reference Court went wrong having awarded damages @ 15% towards severance. He thus submits that the impugned award needs to be modified accordingly. Learned Counsel further contends that the compensation awarded in favour of respondents-landowners against the super structure existing over the acquired land was unreasonably excessive and thus, was liable to be reduced.

6.3. Learned counsel for the appellants also contends that site plan Ex.A21 could not be relied upon as the same was prepared in the year 2016 i.e. considerably later than the issuance of notification under Section 4 of the Act which was dated 18.08.2009. He also points out that the site plan Ex.A21 has been prepared at the instance of landowners. In support, he relies upon the deposition made by AW3 Uday Singh, Valuer and Planner, Nagar Council, Nagal & Anandpur Sahib, who stated that he never mentioned about the distance of acquired land from the highway and was not even aware of its khasra numbers; nor any notice was ever served upon the revenue authorities, Numberdar, Panch or Sarpanch of the Village before preparing the site plan. Learned counsel also points out that the sale deed Ex.A26 dated 18.02.2019 which though related to Village Jandla, but was not to be relied upon being a transaction pertaining to small parcel of land measuring 2 marlas only. He further



points out that as per the evidence available on record, the land forming part of Ex.A26 was at a distance of around 01 km from the main road.

No other argument has been addressed.

7. On the other hand, learned counsel(s) appearing on behalf of the landowners submits that there is no illegality on the part of the Reference Court having awarded uniform market value for the acquired land forming part of the revenue estate of village Jandla. He contends that the land under acquisition was sandwiched between two village roads leading to Village Jandla and Bhalowal, respectively, and was having similar potential and locational advantage and thus, same market value was correctly awarded.

7.1 Learned counsel for the landowners further submits that the sale instance Ex.A26 dated 18.02.2009 which relates to 2 marla of land situated within the revenue estate of Village Jandla formed part of the acquired land. While referring to the aforesaid sale instance and the notification under Section 4 of the Act in the present case, learned counsel submits that rect No.3, Killa No.23/2/2 which relates to the alienation made in terms of the sale deed Ex.A26 also forms part of the notifications under Sections 4 and 6 of the Act, and therefore, is to be relied upon being the best sale exemplar. He also points out that the sale deed Ex.A23 dated 16.09.2008 which relates



to Village Bhanupali is also relevant piece of evidence as vide this sale instance, 18 marlas of land forming part of rect. No.16 was sold for a sum of Rs.15 lakhs and the same also formed part of the notifications under Section 4 & 6 of the present case. He thus submits that the sale instances Exs.A26 and A23, both in terms of time period as well as location were corresponding and comparative to the land forming part of notification under Section 4 of the Act in the present case and thus being the best piece of evidence were to be taken into consideration.

7.2 Learned counsel for the landowners also points out that having considered the similarity of location and potential of the entire acquired land, the Reference Court rightly awarded uniform rate for all the five revenue estates of Villages Bhanupali, Nangli, Jandla, Daruli and Bhallowal as all are abutting and adjoining to each other.

7.3 It has been further submitted that even as per the deposition made by Halqa Patwari Sh. Sham Avtar (AW4), the land got bifurcated on account of acquisition and thus the damages towards severance were rightly awarded in favour of the landowners. Learned Counsel however, submits that considering the actual loss suffered by the land owners, the benefits under severance needs to be enhanced. Learned counsel for the landowners also submits that the compensation awarded towards superstructures was also



required to be enhanced.

8. I have heard learned counsel for the parties and gone through the paper-book as well as records of the case. I find substance in the submission made on behalf of landowners.

9. From the evidence available on record, especially in the shape of deposition made by Halqa Patwari Sh.Sham Avtar (AW4), that the distance between Nangal and Sri Ananadpur Sahib is around 18 to 20 kms and the cluster of aforementioned five revenue estates is existing near Municipal Council, Nangal; at a distance of around 5 to 7 kms. and all the aforementioned revenue estates are existing within a radius of 4 to 5 kms. only. Consequently, the learned Reference Court has rightly awarded uniform rate for all the five revenue estates of Villages Bhanupali, Nangli, Jandla, Daruli and Bhalloval as all are abutting and adjoining to each other and are situated between the two fully developed cities of Nangal and Sri Anandpur Sahib and the length of acquired land is only around 4 kilometers. Moreover, no evidence has been brought on record to show that there was any difference in the nature or potential of land forming part of these five revenue estates.

10. In the humble opinion of this Court, with respect to the grant of market value, the learned Reference Court was required to take to account the sale instances Exs.A23 to A28 which were



produced and proven on record by the landowners. The same are extracted hereunder:-

Sr. No.	Exhibits	Revenue Estate/ Village	Date of Sale Deed	Area of Sale Deed	Sale price	Sale price per acre
1.	A-23	Bhanupali	16.09.2008	18 marla	Rs.15,00,000/-	Rs.1,33,33,333/-
2.	A-24	Nangli	19.09.2011	23 marla	Rs.28,98,000/-	Rs.2,01,60,000/- (Post notification)
3.	A-25	Jandla	29.05.2012	18 marla	Rs.4,32,000/-	Rs.38,40,000/- (Post notification)
4.	A-26	Jandla	18.02.2009	02 marla	Rs.1,00,000/-	Rs.80,00,000 /-
5.	A-27	Nangli	08.11.2012	05 marla	Rs.8,26,000/-	Rs.2,64,32,000/- (Post notification)
6.	A-28	Jandla	11.02.2009	20 marla	Rs.4,00,000/-	Rs.32,00,000/-

A perusal of the aforesaid chart shows that the sale exemplars Exs.A24, A25 and A27 relate to post notification under Section 4 of the Act and thus cannot be relied upon. However, the sale instances Exs.A23 & A26 are prior to the date of notification under section 4 of the Act thus, being relevant piece of evidence need to be taken into account. An examination of the record reveals that the sale instance Ex.A26 dated 18.02.2009 relates to the revenue estate of Village Jandla vide which 2 marlas of land forming part of rect. No.3 Killa No.23./2/2 was sold for a sum of Rs.1 lakh and the market value per acre comes to Rs.80 lacs. From the records, it can also be traced out that some portion of above-mentioned Rect. No.3 Killa No.23/2/2 also forms part of the acquired land and thus the sale instance Ex.A26 being of similar nature and potential as that of acquired land becomes the most relevant piece of evidence and thus has to be relied upon. Since there is a time gap of about 06 months



between the sale instance Ex.A26 dated 18.02.2009 and the notification under Section 4 of the Act dated 18.08.2009, an appreciation @ 6% requires to be applied over the sale price per acre relating to the sale exemplar Ex.A26 and the same thus comes to Rs.80,00,000/- + (6%of Rs.80,00,000/-) = Rs.84,80,000/- per acre.

11. In addition, it may also be noticed here that vide sale instance Ex.A23 dated 16.09.2008, 18 marlas of land situated within the revenue estate of Village Bhanupali was sold for Rs.15 lakhs and the market value per acre comes to Rs.1.33 crores approx. A perusal of record further shows that vide sale instance Ex.A23, the land forming part of rect No.16 was alienated and a part of it also falls within the present acquisition. Thus, again the sale instance Ex.A23 also being of similar nature of land needs to be relied upon for the purpose of making re-assessment of the compensation. However, there is a difference of about 11 months between the sale instance Ex.A23 and the notification under Section 4 of the Act dated 18.08.2009, thus an appreciation @ 11% is required to be applied over the sale price per acre relating to the sale exemplar Ex.A23 comes to Rs.1,33,00,000/- + (11% of Rs.1,33,00,000/-) = Rs.1,47,63,000/- per acre.

12. Learned Reference Court although rejected the sale instance Ex.A26 while recording that the same pertains to a



residential plot, however, considering the fact that the land forming part of sale instance Ex.A26 i.e. Rect. No.3, Killa No.23/2/2 also formed part of the acquired land as per notifications under Sections 4 and 6 of the Act in the present case, the reasoning recorded by the learned Reference Court towards discarding of Ex.A26 was wholly unjustified. Rather, on the contrary, the learned Reference Court, in such circumstances, was to draw a positive inference that the land under acquisition was also having potential to be used for residential purposes.

13. Under normal circumstances, in view of the settled law, highest of the sale exemplar has to be taken into account for the purpose of reassessment of market value. However, considering the fact that the present acquisition relates to a cluster of five revenue estates, it would be more appropriate to draw an average of sale instances Exs.A23 and A26, which as per the records comes to Rs.1,16,21,500/- per acre.

14. Furthermore, considering the fact that the acquisition in the present case is for the purpose of laying down of Railway Track as such the appellants / beneficiaries are not going to suffer any loss of land or cost towards providing any kind of additional infrastructural civic amenities like roads, green belt, parks, community buildings etc. However, taking into account the small parcels of land forming part



of the sale exemplars Exs. A23 and A26, as a matter of abundant caution, a development cut of 20% needs to be applied and the market value of the acquired land per acre thus comes to Rs.92,97,200/- along with all statutory benefits as provided under the Act (Upto date).

15. On the issue of award of damages towards severance of land in favour of the landowners, it is noticed that a positive finding of fact has been recorded by the learned Reference Court that as a consequence of present acquisition proceedings, the land has been divided into two parts. However, the learned Reference Court has granted the benefit of approximately @ 10% of market value towards damages against severance of land. The factum of bifurcation has been admitted by the respondents. In such circumstances, the landowners are bound to suffer loss towards cultivation of land besides causing them inconvenience towards connectivity of the two parcels left on either side of the railway track. Moreover, severance also causes reduction in value of remaining land due to alteration in access, useability and irregularity of shape etc. As such, it would be appropriate to award damages against severance of land in favour of the landowners @ Rs.25% of the market value as assessed by this court.

16. No material evidence has been produced by the learned



counsel appearing on behalf of the landowners to substantiate comprehensively towards increase of compensation against superstructure, as such the said plea is rejected.

17. Accordingly, in view of the discussion made herein above, all the appeals preferred at the instance of appellants are hereby dismissed whereas the appeals as well as XOBJR-54 of 2024 preferred at the instance of landowners are hereby disposed of with the aforesaid modification in the Award dated 14.03.2017 passed by the learned Reference Court.

18. Further, 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.

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

**14.10.2025**  
**sanjay**

**(HARKESH MANUJA)**  
**JUDGE**

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

<b>Sr. No.</b>	<b>Case No.</b>
1.	<b>RFA-2918-2017 (O&amp;M)</b>
2.	<b>RFA-2919-2017 (O&amp;M)</b>

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3.	RFA-2920-2017 (O&M)
4.	RFA-2921-2017 (O&M)
5.	RFA-2922-2017 (O&M)
6.	RFA-2923-2017 (O&M)
7.	RFA-2924-2017 (O&M)
8.	RFA-2925-2017 (O&M)
9.	RFA-2926-2017 (O&M)
10.	RFA-2927-2017 (O&M)
11.	RFA-2928-2017 (O&M)
12.	RFA-2929-2017 (O&M)
13.	RFA-2930-2017 (O&M)
14.	RFA-2931-2017 (O&M)
15.	RFA-2932-2017 (O&M)
16.	RFA-2933-2017 (O&M)
17.	RFA-2934-2017 (O&M)
18.	RFA-2935-2017 (O&M)
19.	RFA-2936-2017 (O&M)
20.	RFA-2937-2017 (O&M)
21.	RFA-2938-2017 (O&M)
22.	RFA-2939-2017 (O&M)
23.	RFA-2940-2017 (O&M) & XOBJR-54-2024
24.	RFA-2941-2017 (O&M)
25.	RFA-2942-2017 (O&M)
26.	RFA-2943-2017 (O&M)
27.	RFA-3128-2017 (O&M)
28.	RFA-3190-2017 (O&M)
29.	RFA-3191-2017 (O&M)
30.	RFA-3192-2017 (O&M)
31.	RFA-3193-2017 (O&M)
32.	RFA-3194-2017 (O&M)
33.	RFA-3195-2017 (O&M)
34.	RFA-3196-2017 (O&M)
35.	RFA-3197-2017 (O&M)
36.	RFA-3198-2017 (O&M)
37.	RFA-3199-2017 (O&M)
38.	RFA-3200-2017 (O&M)
398.	RFA-3201-2017 (O&M)
40.	RFA-3202-2017 (O&M)
41.	RFA-3203-2017 (O&M)
42.	RFA-3204-2017 (O&M)
43.	RFA-3205-2017 (O&M)

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44.	RFA-3206-2017 (O&M)
45.	RFA-3525-2017 (O&M)
46.	RFA-3526-2017 (O&M)
47.	RFA-3527-2017 (O&M)
48.	RFA-4562-2017 (O&M)
49.	RFA-4563-2017 (O&M)
50.	RFA-4564-2017 (O&M)
51.	RFA-5578-2017 (O&M)
52.	RFA-2892-2017 (O&M)
53.	RFA-2893-2017 (O&M)
54.	RFA-2894-2017 (O&M)
55.	RFA-2895-2017 (O&M)
56.	RFA-2896-2017 (O&M)
57.	RFA-2897-2017 (O&M)
58.	RFA-2898-2017 (O&M)
59.	RFA-2899-2017 (O&M)
60.	RFA-2900-2017 (O&M)
61.	RFA-2901-2017 (O&M)
62.	RFA-2902-2017 (O&M)
63.	RFA-2903-2017 (O&M)
64.	RFA-2904-2017 (O&M)
65.	RFA-2905-2017 (O&M)
66.	RFA-2906-2017 (O&M)
67.	RFA-2907-2017 (O&M)
68.	RFA-2908-2017 (O&M)
69.	RFA-2909-2017 (O&M)
70.	RFA-2910-2017 (O&M)
71.	RFA-2911-2017 (O&M)
72.	RFA-2912-2017 (O&M)
73.	RFA-2913-2017 (O&M)
74.	RFA-2914-2017 (O&M)
75.	RFA-2915-2017 (O&M)
76.	RFA-2916-2017 (O&M)
77.	RFA-5144-2017 (O&M)
78.	RFA-5145-2017 (O&M)
79.	RFA-5146-2017 (O&M)
80.	RFA-5591-2017 (O&M)
81.	RFA-5592-2017 (O&M)
82.	RFA-5593-2017 (O&M)
83.	RFA-5594-2017 (O&M)
84.	RFA-58-2018 (O&M)

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85.	<b>RFA-59-2018 (O&amp;M)</b>
86.	<b>RFA-60-2018 (O&amp;M)</b>
87.	<b>RFA-501-2018 (O&amp;M)</b>
88.	<b>RFA-748-2018 (O&amp;M)</b>
89.	<b>RFA-749-2018 (O&amp;M)</b>
90.	<b>RFA-757-2018 (O&amp;M)</b>
91.	<b>RFA-759-2018 (O&amp;M)</b>
92.	<b>RFA-4726-2018 (O&amp;M)</b>
93.	<b>RFA-758-2018 (O&amp;M)</b>
94.	<b>RFA-4724-2018 (O&amp;M)</b>

**14.10.2025**  
**sanjay**

**(HARKESH MANUJA)**  
**JUDGE**