

In the High Court of Punjab and Haryana at Chandigarh

Regular First Appeal No. 2618 of 2000 (O&M)
Date of Decision: 25.3.2015.

Sri Chand

.....Appellant

Versus

Urmila Devi and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. A.K.Bansal, Advocate for
Mr. N.K.Bansal, Advocate
for the appellant.

None for respondents No. 1 and 2.

Ms. Gaganpreet Kaur, AAG, Haryana.

SABINA, J.

Land in question was acquired for the purposes of development of sectors by Hayana Urban Dvelopment Authority and notification under Section 4 of the Land Acquisition Act, 1894 ('Act' for short), was issued on 30.3.1990. The Land Acquisition Collector passed the award dated 30.3.1999 determining compensation. Appellant had filed objections before the Land Acquisition Collector and the matter was referred to the Reference Court to determine the question as to who was entitled to receive compensation. Reference Court vide impugned award dated 4.11.2000 held that respondents No. 1 and 2 were entitled to receive the compensation whereas appellant was not proved to be tenant in possession over the acquired land as on 30.3.1990. Hence, the present appeal by the appellant.

I have heard the learned counsel for the appellant and the learned State counsel and have gone through the record

available on the file carefully.

The question that requires consideration is as to whether appellant was proved to be a tenant in possession of the land in question as on 30.3.1990.

In order to prove his case that the appellant was tenant over the land in question, he produced on record copies of the jamabandies wherein he was described to be in possession of the acquired land. It is a settled proposition of law that presumption of truth is attached to the entries in jamabandies but the said presumption is rebuttable. Appellant had filed civil suit for permanent injunction against the previous owners namely Murari Lal and others. In the said suit, appellant had also moved an application for interim injunction. The said application moved by the appellant was dismissed by the Trial Court vide order dated 19.2.1981 Ex. P-15. It was held by the Trial Court that the appellant had *prima facie* failed to establish his possession over the suit property. The suit filed by the plaintiff was dismissed in default vide order dated 5.5.1985 Ex. P-31.

Thus, in the present case, the entries in the jamabandies had been duly rebutted in view of the decision given by the Civil Court. Hence, the learned Reference Court had rightly come to the conclusion that the appellant had failed to establish that he was a tenant in possession of the property in dispute as on the date of notification under Section 4 of the Act.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

March 25, 2015
Gurpreet