

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 25937 of 2013

Date of Decision: 28.4.2015

Jagjit Singh and others

....Petitioners.

Versus

The District Revenue Officer-cum-Land Acquisition Collector, Ambala  
and another

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.  
HON'BLE MRS. JUSTICE REKHA MITTAL.**

PRESENT: Mr. J.S. Cooner, Advocate for the petitioners.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. S.M. Sharma, Advocate for respondent No.2.

**AJAY KUMAR MITTAL, J.**

1. This order shall dispose of two petitions bearing CWP Nos. 25192 and 25937 of 2013 as according to learned counsel for the parties, the issue involved therein is identical. For brevity, the facts are being extracted from CWP No. 25937 of 2013.

2. The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the order dated 6.11.2013 (Annexure P-4) passed by respondent No.3.

3. A few facts necessary for adjudication of the instant appeal as narrated therein are that the land of village Tundli, Tehsil and District Ambala was acquired by the State of Haryana and the petitioners and their ancestors were recorded in possession as *gair marusian* and as

such were entitled to proportionate share of the compensation of the land acquired on which the ownership was recorded in the name of Panchayat deh. The petitioners claimed their possessory rights and sought compensation of the acquired land in their possession. Respondent No.2 moved an application dated 10.10.2012 (Annexure P-1) before respondent No.1 claiming compensation qua the land in question on the basis of power of attorney and agreement to sell. Respondent No.1 vide letter dated 14.1.2013 (Annexure P-2) asked the petitioners to deposit the compensation amount of ₹ 1,40,803/- received by them. The petitioners filed reply dated 6.3.2013 (Annexure P-3) to the said letter stating therein that they have received the compensation on the basis of their possessory rights in the land in question. Respondent No.1 vide order dated 6.11.2013 (Annexure P-4) directed the petitioners to deposit back the amount of ₹ 1,40,803/- received by them. Hence, the present writ petition.

4. The writ petition was contested by respondent No.2 by filing a written statement. It was pleaded that the Land Acquisition Collector has no jurisdiction to decide the apportionment of the compensation between the parties. For claiming apportionment, the party has to make an application under Section 30 of the Land Acquisition Act, 1894 before the reference court. It was further pleaded that the Land Acquisition Collector has rightly issued a letter for depositing the amount which has been wrongly disbursed to the petitioners. The other averments made in the writ petition were denied and a prayer for dismissal of the same was made.

5. We have heard learned counsel for the parties and have perused the record.

6. The Land Acquisition Collector while directing the petitioners to deposit the amount of ₹ 1,40,803/-, in para 2 of the order dated 6.11.2013 (Annexure P-4) had noticed as under:-

“2. That I have perused the case file and the documents filed by Harpreet Kaur i.e. the Receipt, dated 27.3.1990 executed by Kishan Kaur, Jai Singh & others after receiving the total sale consideration and given the possession of the land in favour of Harpreet Kaur much prior to acquisition of land, I have also perused the General Power of Attorney of the said land executed by Kishan Kaur, Jai Singh & others in favour of Gurbir Singh which is duly registered in the office of Sub Registrar, Ambala, although Jagjit Singh and others has denied the execution of both the documents but as the General Power of Attorney executed by Kishan Kaur, Jai Singh & others in favour of Gurbir Singh is registered one as such the presumption of its execution lies in favour of Harpreet Kaur, therefore, I am of the considered view to direct all the legal heirs of Kishan Kaur, Jai Singh & others i.e. Jagjit Singh, Inderjeet Singh s/o Jai Singh, Baljinder Kaur D/o Jai Singh, Bhupinder Singh, Charanjeet Singh, Harpal Singh s/o Mewa Singh, Smt. Shamo Kaur w/o Mewa Singh, Daljit Kaur and Dalbir Kaur d/o Mewa Singh to deposit the amount of Rs.1,40,803/- with this office within a period of 15 days from the receipt of copy of this order failing

which the appropriate proceedings for the recovery of the amount shall be initiated against them and after the deposit of the said amount within the stipulated period then this reference be sent to the District Judge for appointment of the award.”

7. The possession of the land was given to respondent No.2 much prior to acquisition of land by Kishan Kaur, Jai Singh and others after receiving the total sale consideration vide receipt dated 27.3.1990. Although, the petitioners have denied the execution of the general power of attorney executed by Kishan Kaur, Jai Singh and others in favour of Gurbir Singh but it was registered in the office of Sub Registrar, Ambala as such presumption of its execution lies in favour of respondent No.2. However, the question of its validity shall be examined by the reference court at the time of deciding apportionment application. Accordingly, the Land Acquisition Collector has rightly directed the petitioners being legal heirs of Kishan Kaur, Jai Singh and others to deposit the amount of ₹ 1,40,803/- received by them.

8. In view of the above, no illegality or perversity could be found in the impugned order dated 6.11.2013 (Annexure P-4) passed by respondent No.3 warranting interference by this Court. Consequently, finding no merit in the writ petitions, the same are hereby dismissed.

**(AJAY KUMAR MITTAL)**  
**JUDGE**

**April 28, 2015**  
gbs

**(REKHA MITTAL)**  
**JUDGE**

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 25912 of 2013

Date of Decision: 28.4.2015

Labh Singh

....Petitioner.

Versus

The District Revenue Officer-cum-Land Acquisition Collector, Ambala  
and another

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.  
HON'BLE MRS. JUSTICE REKHA MITTAL.**

PRESENT: Mr. J.S. Cooner, Advocate for the petitioner.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. S.M. Sharma, Advocate for respondent No.2.

**AJAY KUMAR MITTAL, J.**

For orders, see **CWP No. 25937 of 2013 (Jagjit Singh and  
others v. The District Revenue Officer-cum-Land Acquisition  
Collector, Ambala and another).**

**(AJAY KUMAR MITTAL)  
JUDGE**

**April 28, 2015**  
gbs

**(REKHA MITTAL)  
JUDGE**