

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

Regular Second Appeal No.3499 of 2011 (O&M)

Date of decision: 14.5.2015

Hem Raj and others

... Appellants

Versus

Haryana State through Collector, Bhiwani and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Surinder Gandhi, Advocate,
for the appellant.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

CM No.5466-C-2015

CM is allowed and the documents which are exhibited before
the lower Court are taken on record.

CM No.9829-C-2011

The delay of 111 days in re-filing the appeal is condoned for
the reasons set out in the application.

RSA No.3499 of 2011 (O&M)

If the ownership was in dispute of the land which was acquired
in 1979 by the Government for public purpose, then the appellant would not
have a right to allotment of a plot of land out of oustees quota till such time

as he was not able to prove before the Civil Court that he was an oustee. If the revenue record did not reflect the appellant's name and no effort was made to get it corrected, then the Government was within its rights to disburse the compensation to the person interested whose name stood in the revenue record. The Government having paid compensation to third party and no dispute was raised in that respect, then rights, if any, of the appellant stand extinguished. It is also too late in the day to consider the issue whether the appellant is entitled to a plot when none may be available by passage of time. Even if there were available even then, the appellant would have to establish a positive right that he was an oustee. Having failed to do so before both the courts below, no interference is called for in this second appeal which fails and is accordingly dismissed.

(RAJIV NARAIN RAINA)
JUDGE

May 14, 2015
Paritosh Kumar