

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

(1)

**LPA No.1353 of 2015 (O&M)
Date of Decision: 22.12.2015**

Karnail Singh & othersAppellants
Versus

The Deputy Commissioner, Barnala & othersRespondents

(2)

LPA No.1500 of 2015 (O&M)

Manjit Singh & othersAppellants
Versus

The Deputy Commissioner, Bathinda & othersRespondents

(3)

LPA No.1561 of 2015 (O&M)

Bachiter Singh & othersAppellants
Versus

The Deputy Commissioner, Barnala & othersRespondents

(4)

LPA No.1572 of 2015 (O&M)

Darshan Singh & othersAppellants
Versus

The Deputy Commissioner, Bathinda & othersRespondents

(5)

LPA No.1632 of 2015 (O&M)

Gurtej Singh & othersAppellants
Versus

The Deputy Commissioner, Bathinda & othersRespondents

**CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MRS. JUSTICE REKHA MITTAL**

**Present: Mr. G.S.Nagra, Advocate
for the appellants (in all the cases).**

RAJIVE BHALLA, J (ORAL)

CM-2891-LPA-2015 in LPA-1353-2015

CM-3221-LPA-2015 in LPA-1500-2015

CM-3344-LPA-2015 in LPA-1561-2015

CM-3367-LPA-2015 in LPA-1572-2015

CM-3496-LPA-2015 in LPA-1632-2015

Prayer in these applications is to condone delay of 48 days in filing the appeals.

Heard.

For reasons stated in the application and arguments addressed, the applications are allowed and delay of 48 days in filing the appeals is condoned.

Main case

By way of this order we shall decide LPA Nos.1353, 1500, 1561, 1572 and 1632 of 2015, as they involve adjudication of identical questions of fact and law.

Counsel for the appellants submits that the eviction orders are null and void as no drain exists at the spot. The land may have been acquired sometime in the year 1989 but as construction of the drain was abandoned and the appellants are admittedly in actual cultivating possession of the land in dispute, the mere fact that an award has been pronounced and compensation was received, does not empower the State to evict the appellants. The State may, therefore, be directed to reconsider the matter and return the

land to the appellants.

We have heard counsel for the appellants, perused the impugned order, appraised averments in the writ petitions as well as in the appeals, but are not inclined to grant any relief to the appellants.

Admittedly, the land was acquired in the year 1989. The appellants have received compensation after pronouncement of the award. The mere fact that the appellants are in possession is irrelevant as their possession, if any, is unauthorised, particularly as the land has come to vest in State Government after acquisition. The appellants are unauthorised occupants who have rightly been ordered to be evicted from the land in dispute.

Consequently, finding no merit, the appeals are dismissed.

**[RAJIVE BHALLA]
JUDGE**

22.12.2015
Vinay

**[REKHA MITTAL]
JUDGE**