

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

R.F.A. No. 1530 of 2015 (O&M)
Date of decision: 12.5.2015

Balbir Singh and others

.. Appellants

v.

Land Acquisition Collector and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Sat Narain Yadav, Advocate for the appellants.

...

Rajesh Bindal J.

Challenge in the present appeal is to the award dated 26.2.2015, passed by the court below, whereby the objections filed by respondent No. 3 under Section 30 of the Land Acquisition Act, 1894 (for short, 'the Act') seeking absolute right to receive the compensation, were accepted and he along with other Dohlidars were awarded entire amount of compensation.

Briefly, the facts of the case are that vide notification dated 28.6.2007, issued under Section 4 of the Act, State of Haryana sought to acquire land, situated within the revenue estate of village Chandanwas, Tehsil and District Rewari for construction of new Rohtak-Jhajjar-Rewari Railway Line. The same was followed by notification dated 12.7.2007, issued under Section 6 of the Act. The Land Acquisition Collector, vide award dated 14.9.2007, assessed the market value of the acquired land. Respondent No. 3 filed objections under Section 30 of the Act pleading that he along with respondents No. 45 to 79 were recorded as Dohlidars in the acquired land to the extent of their shares and have acquired the status of owners thereof. It was averred that by taking undue advantage of wrong entries, the appellants and respondents No. 4 to 44 were bent upon to

receive the amount of compensation, which they were not entitled to. The dispute was referred to the learned court below, who on consideration of the material placed on record by the parties, accepted the plea of respondent No. 3 and held Dohlidars entitled to receive entire compensation payable on account of acquisition of land. It is this award of the learned court below, which has been impugned by the appellants in present appeal.

The claim set up by respondent No. 3 and other Dohlidars was that the revenue record shows that Dohli was given as “Punarth”. For the purpose of accepting the objections, the court below placed reliance upon a judgment of this court in Rampat v. Mangal, 2009 (4) PLR 59, wherein it was held that the land given in Dohli as “Punarth” is an absolute gift which does not revert back to the owners. In case of acquisition, the entire compensation is payable to Dohlidar, as he is absolute owner of the land.

Once the basic fact that land was given to Dohlidars as “Punarth”, the recorded owners do not have any right in the property, hence, not entitled to any compensation in case the land is acquired.

For the reasons mentioned above, I do not find any reason to interfere with the award of the court below. Accordingly, the appeal is dismissed.

(Rajesh Bindal)
Judge

12.5.2015
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