

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

R.S.A.No.5012 of 2014

Date of Decision: September 28, 2015

Satbir & others

...Appellants

Versus

The Haryana State Government & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr.R.A.Sheoran, Advocate,
for the appellant.

AMIT RAWAL, J. (Oral)

Mr.R.A.Sheoran Advocate has put in appearance on behalf of the appellants and filed his Vakalatnama, which is taken on record.

The challenge in the present Regular Second Appeal is to the concurrent findings of both the Courts Below, whereby the simpliciter suit for declaration to the effect that the plaintiffs are owners in possession of the land comprised in khasra No.1164 (1-2) and khasra No.1165 (1-2) Kittas 2, total land measuring 2 kanals 4 marlas and as well as challenge to the letters dated 11.6.1986 in not giving any land in exchange of the land by procuring forged and fabricated compromise dated 30.9.2000, on the basis of which got sanctioned mutation No.774 being illegal, null and void and not binding upon their rights with further relief to get suitable land, has

been dismissed, on the ground that the said land has been wrongly mutated without payment of compensation.

Mr.R.A.Sheoran, learned counsel appearing on behalf of the appellant-plaintiffs submits that in the year 1970, the State Government constructed a water works in the land of the appellant-plaintiffs and other Harijans by illegally and forcibly dispossessing them without payment of compensation. The father of the appellant-plaintiffs filed a suit against the State of Haryana, which was decreed on 4.10.1993. The defendants in connivance with each other, pressurized the Gram Panchayat to pass an illegal resolution in the year 2000 and got prepared a forged and fabricated compromise by all the co-sharers and got mutation bearing No.774 sanctioned, although some of the co-sharers have already died and in exchange allotted land in a Johar (pond) which could not be transferred. Both the Courts below have not taken into consideration the aforementioned facts and, thus, there is an illegality and perversity in the findings rendered by both the Courts below.

I have heard the learned counsel for the appellant-plaintiffs and appraised the paper book.

The Gram Panchayat in the written statement categorically pleaded that the plaintiffs and other persons got land in exchange with the land of the Gram Panchayat Tigdana, which was duly exchanged with their consent and on the basis of that, mutation bearing No.382 dated 5.2.1993 was sanctioned. The plaintiffs were in the knowledge of the mutation and never objected to the same. As regards, mutation No.774, one Amar Nath co-sharer made an application for not accepting the mutation and the suit

was also time barred. The trial Court found that the resolution of the Gram Panchayat was passed on 30.9.2000 and the mutation was sanctioned on 12.10.2000, whereas the suit was filed on 9.10.2007.

There is another aspect of the matter. Plaintiffs have not led any evidence to belie the signatures on the compromise. Having not discharged the onus, the plaintiffs have not been able to prove that their signatures were forged and fabricated, rather there is a finding that the signatures on the compromise were of the plaintiffs and not of the persons died.

In view of the aforementioned situation, the suit, *ex-facie*, filed in the year 2007 was time barred as all the facts noticed were in the knowledge of the plaintiffs. Both the Courts below have rendered a finding of fact and law, based on appreciation of oral and documentary evidence. I do not find any illegality and perversity in the impugned judgments and decrees of both the Courts below.

Accordingly, the appeal is dismissed.

September 28, 2015
ramesh

(AMIT RAWAL)
JUDGE