

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 07.01.2016

1. RFA No.2186 of 2002 with
XOBJR No.17-CI of 2010

Gram Panchayat Village Raipur

... Appellant

Vs.

The State of Haryana and others

... Respondents

2. RFA No.1263 of 2006

Gram Panchayat Village Raipur

... Appellant

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. S.P. Khatri, Advocate and
Mr. Anil Dutt, Advocate
for the appellant.

Mr. C.R. Dahiya, Advocate
for the cross-objector.

Ms. Vibha Tewari, AAG, Haryana.

1. Whether reporters of local papers may be allowed to see the judgment? YES/NO
2. To be referred to the reporters or not? YES/NO
3. Whether the judgment should be reported in the digest? YES/NO

RAMESHWAR SINGH MALIK, J.

This order will dispose of abovementioned two Regular First Appeals filed by the Gram Panchayat, Raipur through its Sarpanch bearing RFA No.2186 of 2002 and RFA No.1263 of 2006 as well as cross-objections No.17-CI of 2010 in RFA No.2186 of 2002. However, for the facility of reference, facts are being culled out from RFA No.2186 of 2002.

Feeling aggrieved against the impugned award dated 13.03.2002 passed by the learned reference Court in LAC No.9 of 1998 under Section 30 of the Land Acquisition Act, 1894 ('the Act' for short), Gram Panchayat, Raipur through its Sarpanch has approached this Court by way of instant Regular First Appeals.

Factual matrix regarding the acquisition of land is not in dispute. The short issue before this Court is only regarding the claim of the appellant-Gram Panchayat under Section 30 of the Act.

During the course of hearing, when learned counsel for the appellant-Gram Panchayat was confronted with the observations and findings recorded by the learned reference Court in para 26 to 33 of the impugned award, he had no answer and rightly so, it being a matter of record. A perusal of the observations made by the learned reference Court shows that as per jamabandi (Ex.P16) for the year 1937-38, the land in question was recorded as Shamlat deh Hasab Rasad Raqba Khewat and in the column of possession, names of processor-in-interest of the present respondents were recorded. The learned reference Court has also rightly relied upon on the judgment of this Court in **Gram Panchayat Muradpur Vs. State of Punjab, 1997 (1) PLJ 160**. In fact, the appellant-Gram Panchayat has miserably failed to bring on record any relevant material to show its ownership so as to claim the compensation on account of acquired land.

Learned reference Court has referred to the voluminous documentary evidence available on record in the form of Ex.P16 to Ex.P26 right from the year 1937 till 1992 when the land was acquired. Onus to prove its ownership was on the appellant-Gram Panchayat but it has miserably failed to bring on record any cogent evidence in its favour. Further, oral evidence led by

the respondents-land owners has also been found to have gone un rebutted. Having said that, this Court feels no hesitation to conclude that the learned reference Court committed no error of law, while passing the impugned award, declining the claim of the appellant-Gram Panchayat under Section 30 of the Act and the impugned award deserves to be upheld.

So far as second RFA No.1263 of 2006 filed by the Gram Panchayat Raipur through its Sarpanch is concerned, the factual position is no different. Learned reference Court, while passing the impugned award dated 03.10.2005 has rightly placed reliance on more than one judgments of this Court including in the case of **Zile Singh Vs. Balbir Singh, 1991 LJR 43 and Balwinder Singh Vs. Director, Rural Development and Panchayats, 2005 (1) LJR 537** as well as the abovesaid judgment of **Gram Panchayat Muradpur Vs. State of Punjab, 1997 PLJ 160**. The appellant-Gram Panchayat has miserably failed to bring on record any cogent evidence so as to establish its ownership with a view to claim compensation for the acquired land. Learned reference Court in para 16 to 24 of the impugned award has discussed the issues between the parties at considerable detail and recorded cogent findings in favour of the respondents-land owners, before arriving at a judicious conclusion. In this view of the matter, it can be safely concluded that the learned reference Court proceeded on a factually correct and legally justified approach, while passing the impugned award and the same deserves to be upheld.

Coming to the cross-objections filed by the respondents-land owners bearing cross-objections No.17-CI of 2010, learned counsel for the parties are ad idem that the matter is squarely covered by a judgment dated 30.05.2007 passed by this Court in RFA No.2454 of 2000 (Chanderpati and

others Vs. State of Haryana and others) which had attained finality after dismissal of the SLP filed by the State vide order dated 26.10.2009 passed by the Hon'ble Supreme Court in Civil Appeal No.15644-15660 of 2009 (State of Haryana and another Vs. Chanderpati and others). It is also not in dispute that vide judgment dated 30.05.2007 rendered in Chanderpati's case, this Court assessed the market value of the acquired land at the uniform rate of Rs.200/- per square yard.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that in view of the abovesaid undisputed position on record, cross-objection No.17-CI of 2010 filed by the respondents-land owners deserves to be allowed and the same is hereby allowed. Appeal filed by the Gram Panchayat would stand dismissed, having been found without any substance.

Consequently, land owners/cross-objectors are held entitled to receive the compensation at the uniform rate of Rs.200/- per square yard, from the date of notification under Section 4 of the Act. It goes without saying that in addition to the market value, the land owners shall also be entitled for all other statutory benefits available to them under the relevant provisions of the Act.

Resultantly, with the abovesaid observations made, both these appeals filed by the Gram Panchayat and cross-objections filed by the respondents-land owners stand disposed of, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

07.01.2016
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