

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-18325-2015  
Date of Decision: July 11, 2016

Gurnam Kaur and another

...Petitioners

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT**

**HON'BLE MR. JUSTICE DARSHAN SINGH**

Present: Mr. P.P.S. Duggall, Advocate,  
for the petitioners.

Mr. Vivek Singla, Advocate,  
for respondent Nos. 2 and 3.

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?*

**SURYA KANT, J. (Oral)**

It is stated at the outset that petitioner No. 1 (Gurnam Kaur) has passed away, however, her son – petitioner No. 2 (Bhajan Singh) already being party to the proceedings, the matter can be taken up for hearing on merits.

The petitioners allege that their land comprised in Rect. No. 86, Killa No. 18 (8K-0M), situated within the revenue estate of village Muthian Wala, District Tarn Taran, though is in possession of BSF from last ten years but no compensation whatsoever for its requisition has been assessed or

paid.

The respondents are stated to have filed their written statement, dated 12.3.2016, but the same is not on record. A photocopy thereof has been taken from learned counsel for the official respondents.

The BSF authorities have taken a categorical stand that there are several khasra numbers, fully described in Preliminary Objection No. 1, which are in possession of the BSF. The compensation has been duly assessed and paid to the land owners through SDM, Patti. As regard to Rect. No. 86, Khasra No. 18 (8-0), they have denied the possession and it is specifically averred that the said khasra numbers have not been occupied by them.

The petitioners on the other hand rely upon some demarcation report of BSF suggesting that a part of the above stated khasra numbers is in possession of BSF while the remaining part is occupied by unknown persons.

Having heard learned counsel for the parties we are of the considered view that the above stated report which is denied by BSF authorities cannot be taken as the conclusive proof of possession of the khasra number in dispute by the BSF authorities, so as to direct them to assess or to pay compensation to the petitioners. At the same time, the petitioners have a right to establish that the land comprised in the above stated khasra numbers is actually occupied by BSF.

Since the matter would involve disputed question of fact and requires evidence to be led, we dispose of this writ petition with liberty to the petitioners to file an appropriate petition for assessment of compensation

before District Judge, Tarn Taran, who may entrust the matter to an officer of the Punjab Superior Judicial Service. The Court shall give reasonable opportunities to both the parties to lead their evidence and determine whether or not the above said land is occupied by the BSF and if so, whether the petitioners are entitled to any compensation? It shall be appreciated if the appropriate orders are passed within one year of filing of claim petition.

**(SURYA KANT)**  
**JUDGE**

**(DARSHAN SINGH)**  
**JUDGE**

**July 11, 2016**  
P Kapoor