

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**Regular Second Appeal No.3612 of 2014 (O&M)
Date of Decision: February 04, 2016.**

Same Singh

.....APPELLANT(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rajesh Goyal, Advocate for
Mr. Pritam Saini, Advocate
for the appellant (s).

SURINDER GUPTA, J.

This is regular second appeal by plaintiff Same Singh against judgment and decree passed by the Courts below whereby his suit seeking declaration to the effect that he is owner in possession of the land bearing Khewat No.511/488, Khatoni No.823, Khasra No.16145/7037(1-10) situated in the revenue estate of Rohtak; revenue entries showing defendant no.3 as owner of the suit land are not correct and consequently, he is entitled to entire amount of compensation for the acquisition of the land, was dismissed.

2. Plaintiff claimed himself to be owner of the suit land with the plea that his great grand father Sarupa had taken possession of barren land and made it fit for cultivation but in the revenue record, name of Issar Dass was recorded as owner of suit land and the great grand father of plaintiff was

shown as tenant '*gair marusi*' under said Issar Dass. The land was acquired in the year 1980 and was later on de-acquired and again it was acquired by the Government of Haryana vide notification dated 28.10.1998. Plaintiff claimed that being the owner, he is entitled to get the whole compensation of the acquired land.

3. The defendants contested, controverted and denied the claim of the plaintiff.

4. Both the Courts dismissed the suit of the plaintiff with the observations that in support of his claim, plaintiff has not been able to produce any evidence that he or at any point of time, his great grand father Sarupa was owner of the suit land. All the jamabandies right from the year 1967-68 have the entry of Issar Dass son of Kahan Chand in the column of ownership and of Sarupa son of Gulab in the column of possession as tenant on '*Batai Tihai*'. The land is still recorded in the revenue record as *Banjar Kadim*, which further falsify the claim of the plaintiff that this land was made cultivable by his great grand father.

5. I have heard learned counsel for the appellant-plaintiff, who has admitted the fact that land in suit is in his possession and earlier it was in possession of his ancestor for a long time but he could not make out why the entries showing Issar Singh as owner of the suit land are not correct or how the plaintiff or his grand father or great grand father became owner of the suit land.

6. On perusal of the judgments of the Courts below, I find no legal or factual infirmity therein calling for any interference. Learned counsel for

the appellant-plaintiff has not pointed out any observations recorded by the

Courts below which is not based on evidence or are result of misreading of evidence.

7. No substantial question of law requiring determination arises in this appeal, which has no merits.

8. Dismissed.

February 04, 2016.
Sachin M.

(SURINDER GUPTA)
JUDGE