

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

RFA No.3088 of 2015(O&M)
Date of decision: 18.07.2017

Himanshu Aggarwal

... Appellant

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Sanjeev Kodan, Advocate for the appellant.

ARUN PALLI, J. (Oral)

Vide impugned award dated 26.11.2014, rendered by the Reference Court, the claim of the appellant, under Section 30 of the Land Acquisition Act, 1894, has since been dismissed.

Concededly, respondent No.3 – Ravi Gupta happened to be the owner of the disputed plot, measuring 945 square yards, comprised in Khewat/Khata No.25/28, Rect. No.13, Killa No.9/2, 10/1, situated in the revenue estate of Village Pawla Khstrupur, Tehsil and District Gurgaon. All that was produced by the appellant in support of his claim before the Reference Court was a General Power of Attorney (Ex.PW1/A) and an agreement to sell dated 22.03.2007 (Ex.PW1/B). It is not disputed by the learned counsel for the appellant that no sale deed was executed by respondent No.3 in favour of the appellant pursuant to the agreement to sell. Nothing is brought on record either to indicate that the appellant even filed a suit seeking a decree for specific performance of the agreement to sell, dated 22.03.2007. Needless to assert, an agreement to sell does not confer title. On

the contrary, respondent No.3 was reflected to be the owner of the disputed site in the record of rights. That being so, the only and the inevitable conclusion that could be reached; claim of the appellant remain unsubstantiated and was thus liable to be dismissed.

Learned counsel for the appellant could not point out as to how the conclusion arrived at by the Reference Court was either contrary to record or suffered from any material illegality. No other argument was advanced.

The appeal being bereft of merit is accordingly dismissed.

For the appeal has been decided on merit, no formal orders are required to be passed in the applications.

July 18, 2017
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES
NO