

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

**RSA No.4522 of 2017 (O&M)
Date of Decision: 09.10.2017**

Anil Kumar and another

... Appellants

Versus

Tahir and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Akshay Jindal, Advocate,
for the Appellants.

Mr. Virender Rana, Advocate
for the respondents.

ANIL KSHETARPAL, J.

Defendants No.1 and 2 are in appeal against the judgement passed by the learned District Judge, Mewat.

Defendants/appellants are claiming their entitlement to compensation of the land compulsorily acquired on the basis of the sale deeds executed on 24.06.2010 and 30.06.2010 (four in number).

It is not in dispute that the land subject matter of the sale deeds, was acquired vide award dated 21.05.2010. The land was subject matter of acquisition for quite some time. It is the allegation of the plaintiffs that defendants No.1 and 2 are relatives of defendant No.5, who was the then District Revenue Officer. The District Revenue Officer was in knowledge of

all the facts including the acquisition. The District Revenue Officer got the sale deeds executed in favour of his relatives i.e. defendants No.1 and 2 / appellants even after the land had been compulsorily acquired and the award had been announced on 21.05.2010.

Hence, the pivotal issue is whether the owners are able to confer any right, title or interest on the appellants/defendants No.1 and 2 pursuant to the sale deeds dated 24.06.2010 and 30.6.2010 or not? On 24.06.2010 and 30.06.2010, the plaintiffs were not the owners of the land. It is well settled that no one can transfer better title than what he/she himself/herself has.

As per Section 16 of the Land Acquisition Act, 1894 (for short 'the Act of 1894'), on announcement of the award, the Collector may take possession, which shall thereupon vest absolutely in the government free from all encumbrances.

In the present case, a Government official appears to have played important role in the execution of the sale deeds. The Revenue Officer registered the sale deeds, although, the land had already been acquired. A reading of the sale deeds would show that the fact of the land being subject matter of acquisition was clearly mentioned. Rather a note had been given on the sale deed which proved that the land had been acquired vide Award No.1 dated 21.05.2010. Still the Revenue Officer including the Joint Sub Registrar allowed the sale deeds to be executed and registered.

Learned counsel for the appellants has vehemently argued that the appellants are at least entitled to the compensation.

I have considered the submission of the learned counsel for the parties as the contesting respondents/plaintiffs are on caveat.

Here is a case where the plaintiffs are illiterate farmers of Tehsil Nuh District Mewat. They were owners of small pieces of land, which was subject matter of compulsory acquisition. The appellants got executed 4 sale deeds in their favour. The appellants cannot claim that they were not in the knowledge of the acquisition because on the sale deeds itself a note had been given that the land has been acquired. Once the land had been compulsorily acquired vide award dated 21.05. 2010, the owners were left with no right, title or interest in the property. The land has absolutely vested in the State without any encumbrances. In these circumstances, the alleged sale deeds in favour of the appellants would not confer any right, title or interest on them with respect to the suit land.

Normally, a subsequent purchaser can be held to be entitled to compensation of the land but in the peculiar facts of the case when allegations have been made against the District Revenue Officer, who was instrumental in getting the sale deeds registered in favour of his relatives to grab compensation payable to the farmers as per the Act of 1894, the appellants are not even entitled to the aforesaid compensation.

Learned counsel for the appellants could not point out any error in the judgement passed by the learned District Judge. The learned District Judge has appreciated the evidence available on the file and has examined the case in detail.

For the reasons recorded above, while upholding the judgement

of the learned first Appellate Court, the appeal is dismissed with costs of Rs.50,000/- to be deposited with the Legal Services Authority, Haryana, within a period of 02 months from today.

Let a copy of the order be forwarded to the Chief Secretary, Haryana, to hold an enquiry as to how and in what manner the officials of the State registered the sale deed, once it was specifically noted in the sale deed that the land has already been compulsorily acquired.

(ANIL KSHETARPAL)
JUDGE

09.10.2017
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No