

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RSA No.4271 of 2002 (O&M)

Date of decision: 16.08.2018

State of Punjab and others

..... Appellants

Versus

Anil Kapoor and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. N.K. Banka, DAG, Punjab
for the appellants.

Ms. Alka Sarin, Advocate
for the respondents.

ANIL KSHETARPAL, J. (ORAL)

State of Punjab is in the appeal against the judgment passed by the Courts below decreeing a suit filed by the plaintiffs for declaration that they are owners in possession of land measuring 8 kanals and 7 marlas comprised in Khasra Nos.812, 812/1 and 812/2.

The stand of the State is that the aforesaid land was acquired for construction of a Canal Rest House by the land Acquisition Collector and the mutation of land was sanctioned in favour of the Department on 22.05.1961. However, unfortunately, appropriate evidence was not led before the Courts below by the State of Punjab. When this appeal came up, various applications were filed for additional evidence with a view to produce on record copy of the notifications under Section 4, 6 and the award passed along with certain Akshahzra (lay-out plans).

Taking into consideration these facts, this Court vide order dated 24.01.2018 allowed the application for additional evidence and directed the trial Court to record the evidence and sent back the report

keeping in view that the respondents-plaintiffs are also to be granted opportunity to counter the evidence. Now, voluminous record has been produced in support of the submissions of the respective parties.

Learned counsel for the appellants in one hand submits that on perusal of the record, it is proved that the acquisition did take place, however, the revenue authorities committed an error while sanctioning the mutation. On the other hand, learned counsel for the respondents-plaintiffs has submitted that these documents have not been proved on record as in accordance with law. She has further drawn attention of the Court to the standing order issued by the Financial Commissioner with respect to the acquisition of the land.

Keeping in view that a public property is involved, it is considered appropriate that the judgments passed by the Courts below are set aside and case is remanded back to the learned trial Court to re-decide the matter after granting opportunity to both the parties.

It will be noted that the learned trial Court while deciding the suit would also record a finding as to how much land was owned by the plaintiffs or their predecessor and how much land out of that was acquired.

All the pending miscellaneous applications, if any, shall stand disposed of accordingly.

With these observations, the appeal is disposed of.

The parties through their counsel are directed to appear before the learned trial Court on 06.09.2018.

16.08.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No