

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

**RSA No.3223 of 2009
Date of Decision:26.06.2018**

Gram Panchayat Sahbazpur

...Appellant

Versus

State of Haryana & others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ajay Jain, Advocate
for the appellant.

Mr. Saurabh Girdhar, AAG, Haryana
for respondent Nos.1 to 3.

Mr. R. K. Girdhar, Advocate for
Mr. Sanjay Mittal, Advocate
for respondent Nos.4 to 8, 12 to 15 and 17.

ANIL KSHETARPAL, J.

The plaintiff-appellant is in the regular second appeal against the concurrent findings of fact arrived at by the learned courts below.

In the present case, counsel for the parties are agreed that in view of the previous judgment passed by this Court on 5.1.2016, while deciding RFA No.10309 of 2014, arising from a reference under Section 30 of the Land Acquisition Act, 1854, wherein it has been held that the compensation of the land acquired compulsorily is payable to the land owners, there was not much left for arguments and decision in the present appeal.

Learned counsels for the appellant and for the State of Haryana could not draw attention of this Court to any appeal filed against the aforesaid judgment dated 5.1.2016 passed by this Court.

Still further, the Gram Panchayat, the plaintiff, in the present suit, had filed a suit, claiming that the Gram Panchayat is entitled to the compensation payable for compulsory acquisition of the land.

So, only issue involved is whether the compensation is payable to the proprietors of the village or to the Gram Panchayat.

Both the courts, after examining the evidence available on the file, have found that the Gram Panchayat did not produce any evidence on the record to prove that the land, which was subject matter of compulsory acquisition, was ever used for common purpose or it was assigned for common purpose.

In view of the judgment dated 5.1.2016 passed by this Court in RFA No.10309 of 2014, this Court does not find any good ground to interfere in the concurrent findings of fact arrived at by the courts below. The Regular Second Appeal is dismissed. Pending application(s), if any, shall also stand disposed of.

26.06.2018
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No