

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

RFA No. 1464 of 2015
Date of decision: 23.03.2018

Daya Nand and others

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Pardeep Kumar, Advocate,
for Mr. Vikram Singh, Advocate,
for the applicants-appellants.

Mr. Shivendra Swaroop, AAG, Haryana.

G.S.SANDHAWALIA, J. (Oral)

The Reference Court has dismissed the reference petition under Section 30 of the Land Acquisition Act, 1894 (in short 'the Act') vide order dated 28.03.2014 and held that the owner of the property is only entitled to get the compensation. The claim of the petitioners was that for the land measuring 4 kanals and 10 marlas in the revenue estate of village Garhi Kesari, Tehsil Ganaru, District Sonapat, they were in cultivating possession from the time of their forefathers. The possession was adverse and hostile against the respondents or their predecessor-in-interest and they have perfected the possession and which had ripened into title.

The Reference Court noticed that respondent no. 4 had purchased the land on 31.03.2006 and mutation had also been entered in his favour. The Reference Court further noticed that no rent was being paid by the present petitioners and in such circumstances, in the absence of any rent receipt, it was held that there was no relationship of landlord-tenant between

the parties and accordingly, the petition under Section 30 of the Act had been dismissed. Once the petitioners themselves have held out and claimed the ownership on the basis of adverse possession, they admit that they are not the owners as such and the title is not with them but against respondent no. 4.

In such circumstances, once there was a registered sale deed as such in favour of respondent no. 4, the appellants would not be entitled for any benefit of the compensation. Nothing was brought on record before the Reference Court also regarding the payment of rent on the basis of which they could claim some proportion of compensation as in view of the law laid down by the Apex Court in *Mangat Ram vs. State of Haryana, 1996 (8) SCC 664*.

Keeping in view the above cumulative discussion, this Court is of the opinion that there is no scope for interference in the order passed by the Reference Court and accordingly the present revision petition is dismissed.

23.03.2018
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No