

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

LPA No. 31 of 2018 (O&M) in
CWP No. 25029 of 2017
Date of decision : 18.1.2018

Harbhajan Singh and others

.. Appellants

versus

Union of India and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice B.S. Walia**

Present: Mr. Ajay Jain, Advocate and
Mr. Atul Gaur, Advocate, for the appellants.

Rajesh Bindal, J.

The order passed by the learned Single Bench dismissing the writ petition has been challenged in the present intra-court appeal.

Before the learned Single Bench, the appellants had challenged the report dated 16.3.2015 submitted by the Commission of Inquiry (for short, 'the Commission'), constituted for looking into the incidents of violence in November, 1984 at village Haud-Chillar, Tehsil and District Rewari, vide which compensation for the loss of properties was recommended to the appellants. Unfortunate incident took place in November 1984 after the assassination of the then Prime Minister of India Mrs. Indira Gandhi. There were loss of lives and damage to properties at different places. The same also happened in village Haud-Chillar in District Rewari, Haryana. Commission was appointed by State of Haryana vide notification dated 5.3.2011 to assess compensation for the loss of properties

of the appellants. The Commission assessed ₹ 5 lacs each as compensation payable to the appellants, while taking judicial notice of the fact that the Government had initially paid amount ranging between ₹ 11,250/- to ₹ 1 lac to the appellants for the loss of properties suffered by them. As has been observed in the report submitted by the Commission and learned Single Bench, assessment of compensation was totally on the basis of guess work, as clear evidence was not led to prove actual loss of properties. Though it was claimed that there were seven Havelis in the village, however, only site plan was produced nothing else. The evidence was not worth reliance, on the basis of which, amount of compensation for loss of properties could be assessed. In such circumstances, compensation was to be assessed only on the basis of guess work and the Commission assessed compensation in lumpsum.

We are unable to differ with the view taken by the learned Single Bench.

The appeal is dismissed accordingly.

(Rajesh Bindal)
Judge

(B.S. Walia)
Judge

18.1.2018
sharmila

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No