

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

RSA No.3428 of 2015 (O&M)

Date of decision : 22.05.2018

Umed Singh and others

...Appellants

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Ajay Vijarania, Advocate for the appellants.

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**ANIL KSHETARPAL, J. (ORAL)**

**CM No.8301-C of 2015**

For the reasons stated in the application, which is duly supported by an affidavit, delay of 36 days in filing the present appeal is condoned.

Application is allowed.

**Main Case**

The plaintiffs-appellants are in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below.

The plaintiffs claimed that they were owners of land measuring 11 bighas and 3 biswas of land which was requisitioned by the State of Haryana for installing a brick kiln. However, on completion of the project, the land reverted back to the owners.

On the other hand, defendants pleaded that the land was acquired as per the provisions of the Land Acquisition Act, 1894 and the award in this respect was announced on 31.03.1971. It is further the case of

the defendants that a brick kiln was installed on the aforesaid land and thereafter since there was an attempt of taking forcibly possession of the property, the proceedings under the Public Premises Act, were initiated and the plaintiffs were ordered to be evicted vide order dated 30.09.2009. However, when the official of the State of Haryana went for the eviction order, they filed the present suit and obtain the interim order.

Both the Courts on examination of the evidence available on the file have recorded the concurrent findings of fact that the land was acquired not requisitioned. It has further been found by the Courts that the plaintiffs have already been ordered to be evicted in the proceedings under the Public Premises Act.

Although, learned counsel appearing for the appellants made a sincere attempt to persuade this Court to take a different view, however, in the absence of any non-reading or mis-reading of the evidence, this Court cannot interfere in the concurrent findings of fact. The judgments passed by the Courts below are neither shown to be perverse nor suffering from any illegality.

In view thereof, there is no scope for interference with the concurrent findings of fact arrived at by both the Courts below.

Regular Second Appeal is dismissed.

**22.05.2018**

*Pawan*

**(ANIL KSHETARPAL)  
JUDGE**

**Whether speaking/reasoned:-                      Yes/No**

**Whether reportable:-                                      Yes/No**