

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

**RFA No.3280 of 2017 (O&M)
Date of Decision:22.02.2018**

Roop Chand (deceased) through his LR Appellant

Versus

Rakesh Kumar Yadav and others ...Respondents

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

Present: Mr. Suresh Kumar Kaushik, Advocate
for the appellant.

Mr. Tarun Yadav, Advocate for
Mr. Jai Vir Yadav, Advocate
for respondent No.1.

G.S. SANDHAWALIA, J. (ORAL)

The appellant is aggrieved against the order dated 09.02.2017 passed by the Reference Court, Gurugram and has filed appeal under Section 54 of the Land Acquisition Act, 1894 (for short 'the Act'). Respondent No.1 was held to be the owner of the acquired land in question and being in possession at the time of the acquisition was held entitled to compensation. In such circumstances the petition filed under Section 18 & 30 of the Act was disposed of while denying the relief of the enhancement on account of fact that the petition was barred by limitation.

The appellant is thus aggrieved against the entitlement of the compensation payable to respondent No.1. It was the case of respondent No.1 that he was owner of land measuring 1 kanal 12 marla purchased from Daya Chand-Hukam Chand-Shankar sons of Parsadi son of Sh. Singha and Shiv Narain, Kanwar Lal, Khushi Ram, Surender and Mir Singh who were

No.1322 was also sanctioned on 07.05.1998 in his favour. The mutation having been incorporated in the jamabandi he had constructed his residential house. It was stated that the names of the said respondent Nos.4 to 8 and of the appellant Roop Chand (deceased) had been wrongly mentioned in the jamabandi, who had died on 22.11.1977 and his name was still reflected in the jamabandi.

On account of the acquisition dated 24.08.2000 and the award passed on 21.07.2003 the compensation had been determined by the Land Acquisition Collector of the land falling in village Tigra, Tehsil Sohana. He also averred that residential house was got evaluated from M/s Koshal & Associates to the tune of Rs.7,10,000/-. On contest by official respondents and the present appellant as many as six witnesses were examined by the respondent No.1 whereas the present appellant got examined himself and placed reliance upon the revenue record.

Under the issue No.2 regarding the entitlement of the claim of compensation as noticed on account of sale deed which has been mentioned that possession has been transferred to respondent No.1 and mutation had also been entered in his favour and vendor had also been proceeded ex parte, the entitlement of the said respondent has been found.

Merely because there are some entries in the revenue record in favour of the appellant, as such would not entitle him to claim the right of ownership for entitlement to the compensation. As noticed the same was on the basis of the rights which have accrued to the deceased Roop Chand who also died way back in 1977. The revenue entries carried on his name in spite of the said fact and there is only a presumption of truth as such to the entries in the revenue record. However, keeping in view the clear title in

favour of the respondent No.1 as per his sale deed and mutation having also been entered in his favour as has been found, no fault can be found in the order of the Reference Court.

Accordingly the appeal is dismissed.

(G.S. SANDHAWALIA)
JUDGE

22.02.2018
pvd

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