

RFA No.3627 of 2017(O&M) and Cross Objection No.95-CI of 2017

-1-

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

**RFA No.3627 of 2017(O&M) and
Cross Objection No.95-C of 2017(O&M).
Date of decision: 15.2.2018**

Lala Ram (now deceased) through his L.Rs. **...Appellant**

Versus

Ram Kanwar through his L.Rs. and others **...Respondents**

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

Present: Mr. M.S.Kathuria, Advocate for the appellant.

Mr. Dushyant Sarvesh, Advocate for Cross Objectors/
respondents no.1 to 3.

Ms. Safia Gupta, Assistant Advocate General, Haryana
for respondents no.4 to 6.

G.S.SANDHAWALIA, J. (Oral)

This order shall dispose of RFA No.3627 of 2017 and Cross
Objections No.95-CI of 2017 filed by respondents no.1 to 3.

Vide impugned award dated 30.5.2017, the Reference Court
held that the applicants who are respondents herein are entitled for 75% of
the compensation awarded on account of the acquisition of the land which
had fallen within Jhajjar town being tenants. In the cross objections, now
filed the said tenants have sought compensation for the whole amount
whereas the land owners are aggrieved against apportionment and claim
larger chunk of compensation to the extent of 60% in their favour against
25% granted.

A perusal of the paper-book would go on to show that the plea
of tenants was that they were in cultivating possession of the acquired land

RFA No.3627 of 2017(O&M) and Cross Objection No.95-CI of 2017

-2-

since more than 100 years from the time of their forefathers and they had been recorded in the revenue record which was subject matter of acquisition.

The defence of the land owners was that the revenue record was illegal and entries were recorded at the back of the land owners and not binding upon them though there was an admission that the tenants were continuing in the revenue record.

While examining the record, the Reference Court came to the conclusion that applicants (respondents no.1 to 3 herein) were recorded as tenants at will since the time of their forefathers as per order dated 29.8.1969 (Ex. P19) passed by the Assistant Collector Grade II and resultantly granted compensation as such to the extent of 75% in favour of the tenants.

Counsel for the appellant has argued that 60% compensation should have been awarded to the land owners.

The Apex Court in **Inder Prashad Vs. Union of India** 1994(5) SCC 239 upheld the compensation granted to the extent of 25% to the land owners and 75% to the tenants while placing reliance upon the earlier judgment in **Collector of Bombay Vs. Nusserwanji Rattanji Mistri** AIR 1955 SC 298. Similar view was taken in **Col. Sir Harinder Singh Brar Bans Bahadur Vs. Bihari Lal** 1994(3) SCR 87 which was followed in **Mangat Ram Vs. State of Haryana** 1996(8) SCC 664 and in **Union of India Vs. A. Ajit Singh** 1997(6) SCC 50.

In such circumstances, this Court is of the opinion that the view which has been taken by the Reference Court does not warrant any

interference.

Accordingly, both the Appeal and the Cross-Objection are dismissed.

February 15, 2018
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No