

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

RFA No. 1912 of 2017 (O & M)

Date of decision: 20.11.2019

Mehar Chand

....Petitioner(s)

Versus

Surjanath (D) through L.Rs. and others

...Respondent(s)

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

Present: Mr. Ajay Jain, Advocate,
for the appellant.

Mr. Rao Ajender Singh, Advocate,
for respondent no. 1.

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 4820-CI of 2017

Application for bringing on record additional evidence by placing on record Annexures A-1 to A-5 is allowed, subject to all just exceptions.

The same are taken on record.

C.M. No. 7556-CI of 2019

Application for bringing on record additional evidence by placing on record Annexures A-6 and A-7 is allowed, subject to all just exceptions.

The same are taken on record.

RFA No. 1912 of 2017 (O & M)

The claim in the reference petition under Section 30 of the Land Acquisition Act, 1894 (in short 'the Act') has been decided by the Reference Court, Rewari on 19.05.2015 in favour of respondent no. 1. The

reasoning behind the release of the amount to the said respondent is that Mahant Aditya Nath is the successor of Mahant Azad Nath Yogi and the Gram Panchayat has no objection if the petition is decided in his favour. The appellant herein had filed another set of objections which was also decided vide the impugned order. The dispute is regarding the land measuring 26 kanals 12 marlas comprising in Khewat No. 146/165 as referred by the Land Acquisition Collector. The present appellant's claim as such is regarding 9 kanals 13 marlas of land out of Khewat No. 1. The Reference Court has noticed that the claim is confined to the land which was in Khewat No. 146. The only grouse as such of counsel for the appellant is that the claim of respondent no. 1 was that the Gram Panchayat, Asalwas has no concern and it was owned and possessed by respondent no. 1. Ejectment proceedings had also been filed by the Gram Panchayat. Mr. Jain has, thus, contended that once these facts are not proved, the Reference Court is not justified in directing disbursement of compensation in the account of respondent no.1 on the consent given by the Gram Panchayat.

Counsel for respondent no. 1 has submitted that the claim of the appellant as such was not regarding the land which was the subject matter of apportionment measuring 26 kanals and 12 marlas, which is not disputed by counsel for the appellant. His grouse was only regarding their claim of a separate patch of land measuring 9 kanals and 13 marlas. In such circumstances, the present appeal at their hands does not merit any consideration.

Counsel for the appellant could not point out from his reference petition as to how he could stake a claim in the petition under Section 30 to the land which was the subject matter of acquisition.

A perusal of the record would go on to show that statement no. 19 also pertains to the land measuring 26 kanals 12 marlas whereas, before the Reference court, respondent no. 1 had placed his affidavit that he was not claiming any compensation regarding 9 kanals and 13 marlas out of Khewat No. 1 on the date the matter was disposed of. A perusal of the objection petition filed by the appellant would go on to show that in the petition filed by the present appellant, the dispute was regarding a different set of land.

In such circumstances, the present appeal as such regarding the land which was acquired and for which compensation had been deposited with the Reference Court and had been directed to be paid to respondent no. 1 does not suffer from any infirmity. Merely because the appellant wants the amount to be paid to the Gram Panchayat in lieu of the land of the Gram Panchayat which had been owned and acquired would not give him a right as such to object to the claim which has been awarded in favour of respondent no. 1 as there was no such stake of his in the land which has been acquired.

Resultantly, the appeal filed by the appellant, as such, is baseless and the same is accordingly dismissed.

20.11.2019
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(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No