

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.2909 of 2017 (O&M)

Date of Decision: January 14, 2019

Shyam Sunder Aggarwal & others

...Appellants

Versus

The State of Haryana & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Shailendra Jain, Senior Advocate with
Mr. Satyendra Chauhan, Advocate,
for the appellants.

AMIT RAWAL, J.

The short point involved in the present Regular Second appeal is whether the suit of the appellant-plaintiffs claiming declaration by challenging the sale deed dated 26.04.2007 and mutation No.1899 dated 20.07.2007 being contrary to the provisions of Section 16 of the Land Acquisition Act, 1894 with permanent injunction was maintainable or not. The aforementioned relief tantamounts to taking the benefit of the provisions of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

The defendants in the aforementioned suit asserted that the plaintiffs had failed to assail the acquisition proceedings which attained finality and at best, were entitled to compensation.

Mr. Shailendra Jain, learned Senior Counsel assisted by Mr.Satyendra Chauhan, Advocate, representing the appellant-plaintiffs submitted that the sale deed can always be challenged in a suit under

Section 34 of the Specific Relief Act.

I am afraid that the aforementioned argument is not sustainable as the plaintiffs have miserably failed to prove how the suit was maintainable once they have lost the right in the suit vide CWP No.10530 of 2006, which was dismissed on 29.01.2007. It tantamounts to circumventing the order of this Court, though possession as per the provisions of Section 16 of 1894 Act is deemed to be in favour of the beneficiary after the promulgation of the award.

For the reasons stated above, I do not find any illegality or perversity in the concurrent findings of fact and law, which are based on appreciation of oral and documentary evidence. No ground for interference is made out, much less involvement of any substantial question of law. Resultantly, the appeal is dismissed.

January 14, 2019
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No