

115 (2 cases)

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

(1) LPA No. 789 of 2020 (O&M) in
CWP No. 13258 of 2018
Date of Decision: 24.11.2020

Puran Singh

..... Appellant

Versus

Sukhpal Bansal and others

..... Respondents

AND

(2) LPA No. 806 of 2020 (O&M) in
CWP No. 13262 of 2018

Isher Singh and others

..... Appellants

Versus

Krishna Devi and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present: Mr. Manish Kumar Singla, Advocate
for the appellant(s) (in both cases).

*[The aforesaid presence is being recorded through video conferencing since the
proceedings are being conducted in virtual court]*

JASWANT SINGH, J.

Vide this Common order, both the aforementioned appeals bearing **LPA Nos. 789 & 806 of 2020** are being taken up and decided together as the same have been filed against the same order dated 28.09.2020, whereby a number of writ petitions were decided, with the lead case being *CWP No 11438 of 2018*, titled as “*Balbir Singh and another Vs Land Acquisition Collector-cum-SDM, Rajpura and others*”.

Learned counsel for the appellant(s) has argued that the learned Single Judge has erroneously decided his writ petitions bearing *CWP No. 13258 of 2018* titled as “*Sukhpal Bansal and others Vs Additional District Judge, Patiala and others*” (out of which *LPA No. 789 of 2020* arises) and *CWP No. 13262 of 2018* titled as “*Krishna Devi and others Vs Additional District Judge, Patiala and others*” (out of which *LPA No. 806 of 2020* has arisen), as the issues involved in the said writ petitions were completely different from the issue involved in *CWP No. 11438 of 2018* titled as “*Balbir Singh and another Vs Land Acquisition Collector-cum SDM Rajpura*”. It is further argued that in these writ petitions viz. *CWP No. 13258 of 2018* and *CWP No. 13262 of 2018* even the service of appellants (who were respondents in the writ petitions) was not effected, and therefore, the appellants were unable to protect their interest. It is also submitted that the land involved in these cases is different from the land involved in ***Balbir Singh’s case (supra)***, and therefore, there is no commonality of facts in the cases decided. It is finally submitted that the issue regarding apportionment of compensation amongst the co-sharers arising out of same notification regarding acquisition has already been adjudicated vide decision dated 05.12.2017 passed by Additional District Judge, Patiala, whereby it was held that amount of compensation has to be disbursed amongst all the co-sharers/beneficiaries. This decision has been upheld by a Single Bench of this Court in *CWP No. 8999 of 2018* titled as “*Satpal Singh and others Vs Union of India and others*”, vide order dated 30.04.2018, which has been

further upheld by a Division Bench Judgment of this Court passed in LPA No. 1092 of 2018, decided on 06.08.2018. Thus, prayer has been made for setting aside the impugned judgment, by allowing the appeal.

We have learned counsel for the appellant(s) at some length and have also perused the record with his assistance.

A perusal of the judgment passed by the learned Single Judge dated 28.09.2020 makes it clear that a legal issue regarding sanctity of revenue record prepared by authorities under Punjab Land Revenue Act, 1887 (For short the 'Act, 1887') has been adjudicated. It has been held by the learned Single Judge that once provisions of Act, 1887 become inoperable in view of Explanation given in Section of the Act, 1887, reliance by Additional District Judge, Patiala on revenue record prepared under the Act, 1887 to apportion the compensation amongst all persons reflected as co-sharers in *Jamabandi* was legally incorrect. It was further held by the learned Single Judge, on the basis of documents produced on record, that not only did the land in question had come within the Municipal Limits of Rajpura Town by virtue of notification dated 12.12.1994 but the plot of petitioners therein was allotted a house number and was subjected to house tax. On the strength of these facts coupled with other evidence showing severance of status of petitioners as co-sharers from other residents, it was held that only the petitioners therein were entitled for compensation for their area acquired.

From the perusal of the aforesaid findings returned by learned Single Judge, when seen in the context of the facts of case as well

as legal provisions involved, leave us in no manner of doubt that the same are correct and do not require any interference. The judgments relied upon by appellants in *Satpal Singh's case (supra)* are completely different from the issue involved in the present judgment passed in *Balbir Singh's case (supra)* because in *Satpal Singh's case (supra)*, it was an admitted position that the land was agricultural in nature *qua* which partition proceedings were already pending before the competent authority. Hence, the same are of no avail to the appellants.

Although learned counsel for the appellants has argued that the appellants were not heard before passing of the impugned judgment dated 28.09.2020 in their respective writ petitions and further that the issue of law decided cannot be applied to their case(s) because their land was different, however, we find that on account of lack of pleadings and sufficient material available on record which could substantiate their assertions, we are not in a position to adjudicate this issue.

Faced with this situation, learned counsel for the appellants has **prayed for withdrawal of the instant appeal** with a prayer to file a review application in their respective cases to demonstrate as to how his cases are different from *Balbir Singh's case (supra)* adjudicated by the learned Single Judge.

In view of the prayer made by learned counsel for the appellants as also the observations made by us, both the **present appeals** are ordered to be **withdrawn** with liberty to file review application(s) in their respective case(s), if so advised.

Since the main appeals have been dismissed as withdrawn, no orders are required to be passed in the pending miscellaneous application(s), if any, and the same stand(s) disposed of.

(JASWANT SINGH)
JUDGE

November 24, 2020
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(SANT PARKASH)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No