

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

RSA-3770-2016 (O&M)
Date of decision : 22.01.2020

Balbir Singh and others

...Appellants

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jai Vir Yadav, Advocate for the appellants.

ANIL KSHETARPAL, J. (ORAL)

Plaintiffs-appellants are in the Regular Second Appeal against the concurrent findings of fact arrived at by both the Courts below.

Undisputedly, a large chunk of land was acquired including the land in question. The acquisition proceedings were concluded with announcement of award. The plaintiffs-appellants requested the Land Acquisition Collector for release of the land in dispute comprised in Rectangle No.23, Khasra No.26(2-19). The Land Acquisition Collector forwarded the application to the competent authority for consideration. A part of the amount of compensation qua the land in dispute was withheld. Ultimately, the competent authority did not concede to the request for release of the land in dispute from acquisition.

The plaintiffs filed the suit claiming declaration that they are owners in possession of the property on the ground that the compensation

has not been paid and the State Government did not dispossess them.

On appreciation of evidence, both the Courts below have declined to grant relief, as prayed for. On announcement of the award passed by the Land Acquisition Collector under the Land Acquisition Act, 1894, the land without any encumbrance, vests with the State. Thereafter, release of the land from acquisition can only be ordered in accordance with the provisions of the Act. Admittedly, there is no order of release of the land. Merely because the land owners have not withdrawn the compensation with respect to the land in question would not be sufficient to declare the plaintiffs, owners of the land in dispute.

In view thereof, there is no ground to interfere with the concurrent findings of fact arrived at by both the Courts below.

Accordingly, the present Regular Second Appeal is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

22.01.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No