

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

RFA No. 3050 of 2017
Date of decision: 08.01.2020

Sohan Lal and anotherPetitioner(s)
Versus

The Land Acquisition Collector, Faridabad and others ...Respondent(s)

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

Present: Mr. Manoj Kumar Sood, Advocate,
for the appellants.

Ms. Vibha Tewari, AAG, Haryana.

Mr. Pritam Saini, Advocate,
for respondent no. 2.

Ms. Bhavni Sood, Advocate,
for Mr. Aditya Jain, Advocate,
for respondents no. 18 to 20.

Mr. Kirpal Singh Thakur, Advocate,
for Mr. Abhilaksh Grover, Advocate,
for respondent no. 27.

Ms. Pavneet Boparai, Advocate,
for Mr. Kunal Dawan, Advocate,
for respondents no. 29 to 36.

G.S.SANDHAWALIA, J. (Oral)

As per office report, notices could not be issued to respondents no. 6 (i), 7, 8 (i) and (ii) as counsel has not filed correct address in spite of the opportunities having been granted and the matter being pending since 09.08.2018. Even today, counsel for the appellants is not in a position to comply with the said order and submits that he has no instructions as the appellants are not in touch with him.

The appeal arises out of the award dated 06.04.2017 filed under Section 54 of the Land Acquisition Act, 1894 wherein, the appellants were petitioners no. 9 and 10 before the Reference Court. As per the impugned

award, the petitioners have been held entitled to 75% share out of the compensation amount in equal shares whereas respondents no. 4 to 25 have been held entitled of 25% share in a petition filed under Section 30 for apportionment of the awarded amount. Respondents no. 26 and 28 were held entitled to get the mortgaged money out of the compensation amount.

The case of the petitioners as such for the land which was acquired was that they were in cultivating possession of the land for the last more than 54 years and became owners of the same by lapse of time in view of the provisions of Punjab Tenancy Act, 1887. In such circumstances, under issue no. 2, it was held that they were in possession for the last 50 years on payment of *chakota* whereas, respondents no. 4 to 25 have been referred as owners before the Reference Court and respondents no. 26 to 28 as mortgagees. In such circumstances, in view of the judgment of the Apex Court in ***Mangat Ram and others vs. State of Haryana and others, JT 1996 (5) 470***, the amount of compensation has been ordered to be apportioned amongst the parties in the said ratio as the appellants were interested persons.

Admittedly, the private respondents, as noticed, are the owners as such whereas the appellants herein were only tenants. The benefit of 75% of the compensation amount has already been ordered in their favour on the strength of the settled principle of law and, therefore, they cannot clamour for more than that as the land owners are also entitled to their share having title to the acquired land.

In such circumstances, the award of the Reference Court as such does not seem to be suffering from any infirmity which would warrant interference by this Court.

Accordingly, the present appeal is dismissed.

08.01.2020
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(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No