

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

**RFA No.3464 of 2018 (O&M)
Decided on : 05.03.2020**

Satpal

... Appellant

Versus

State of Haryana & others

... Respondents

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

Present: Mr.R.P.Verma, Advocate, for the appellant.

Mr.Saurabh Dalal, Advocate, for respondent No.5.

G.S. Sandhawalia, J. (Oral) :-

The present appeal filed under Section 54 of the Land Acquisition Act, 1894 (for short the 'Act') is directed against the award of the Reference Court, Sonapat dated 20.04.2018, for the land measuring 9 bighas 5 biswas which was acquired vide notification dated 19.10.2012, for the purpose of construction of the Jind-Gohana-Sonapat Railway line in Patti Jattan.

The dispute arose regarding apportionment of the land under Section 30 of the Act. The appellant herein was arrayed as respondent No.4-B in the said proceedings. The Reference Court noticed that vide the impugned award, respondents No.4 to 10 including the present appellant had made their statements on various dates that they had no objection if the amount awarded is given to the petitioners as per their share. Accordingly, it was held that the respondents were entitled for the amount of compensation in respect of their shares indicated above. It is to be noticed that the application had also been filed before the Reference Court on 07.02.2018, for providing opportunity to contest the case as the petitioner

was alleging that he was entitled for a sum of Rs.9,60,299/-, which was inclusive of Rs.5,77,177/- + Rs.3,90,122/-.

It is also pertinent to notice that on 06.02.2018, the appellant had withdrawn the application under order 1 Rule 10 and requested for marking his presence as respondent No.4-B and requested for releasing the amount of compensation which was deposited in Court. Relevant portion of the order reads as under:

“Today the case is listed for arguments on application under order 1 Rule 10 CPC. At this stage applicant Satpal appeared and states that his name is mentioned as respondent No.4(b). So, he withdraws the application and requested for marking his presence as respondent No.4(b) and requested for releasing the compensation amounting to Rs.9,60,299/- which is deposited in the court, his statement to that effect recorded. In view of the same application under order 1 rule 10 CPC is dismissed as withdrawn.

One RW S.K.Gaur is present and examined. A date is requested. Allowed. To come up on 07.02.2018 for remaining evidence of respondents at own responsibility.”

His statement was recorded as under on 06.02.2018:

“Statement of Satpal s/o Shiv Narain, Age 62 years
r/o Village Jatwara, Distt. Sonapat

Stated that in the present reference under Section 30 of the L.A. Act, my name is recorded as respondent No.4(B). So I hereby withdraw my application filed under Order 1 Rule 10 CPC dated 02.02.2018 and pray to the Hon'ble Court to register my attendance as respondent No.4(B) that I was co-sharer in Khewat No.515, 517. My total compensation amounting to Rs.9,60,299/- is deposited with the Court and I am fully entitled to receive the same. My compensation be granted to me.”

The Reference Court, vide order dated 16.02.2018 had noticed that the statement of many others were recorded on 26.05.2014 that they had no objection if the amount awarded be given to the respondents, as per their share. It was noticed that the application was filed without any affidavit and accordingly, the case was adjourned to 21.02.2018, for his evidence, on their own responsibility. On the said date, appellant was present but no evidence was led and the matter was, thereafter, kept for several dates, as per the zimni orders and even applications filed by various landowners, objecting to the ex-parte proceedings, as such, were dismissed by the Reference Court on 28.03.2018.

It is, thus, apparent that appellant's amount of compensation has been duly quantified and was lying in Court and therefore, there is no basis to submit that he has been deprived of the amount of compensation, by any other landowner. Accordingly, finding no merit in the present appeal, the same is hereby dismissed.

March 5th, 2020
sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No