

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

220

RSA No.675 of 2016 (O&M)  
Date of decision: 05.02.2020

MEHAR SINGH AND ANR.

... Appellants

Versus

UNION OF INDIA AND ORS.

... Respondents

**CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL**

Present : Mr. Sarbjit S. Khaira, Advocate for the appellants.

Mr. Piyush Khanna, Advocate for respondents No.1 to 3.

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**REKHA MITTAL, J. (Oral)**

Challenge in the present appeal has been directed against concurrent findings recorded by the Courts whereby suit for permanent injunction restraining defendants No.1 to 3 from releasing compensation of shamlat land acquired by land Acquisition Collector, Pathankot vide notification dated 20.03.1970 for use of Military, in favour of defendants No.4 to 19 was dismissed by the trial Court vide decree and judgment dated 28.01.2014 that came to be affirmed in appeal by the District Judge, Pathankot.

Perusal of judgment passed by the Court in appeal would reveal that in para 11 thereof, it has been noticed that defendants No.1 to 3 therein raised the plea that they deposited compensation amount with the Land Acquisition Collector and same had been released to eligible land holders. Behari Lal plaintiff in cross examination had admitted that Union of India had already deposited the amount of compensation to the tune of Rs.39,44,567/- and the same had been disbursed to eligible claimants, in accordance with the revenue records.

Counsel for the appellants has not disputed factual findings recorded by the first Appellate Court on the basis whereof it has been held that neither the appellants have any cause of action to institute the suit nor they can seek declaration about more share, required to be determined in a suit for declaration. In this view of the matter, I do not find an error much less illegality in the impugned judgments that would call for intervention.

For the foregoing reasons, the appeal fails and is accordingly dismissed. As the appeal has been decided on merits, application for condonation of delay is of academic relevance.

05.02.2020

(REKHA MITTAL)  
JUDGE

ashok

Whether speaking/reasoned:  
Whether reportable:

Yes / No  
Yes / No