

In the High Court of Punjab and Haryana, at Chandigarh

1. Regular Second Appeal No. 360 of 2021 (O&M)

Shri Puran and Others
... Appellant(s)

Versus

State of Haryana and Others
... Respondent(s)

2. Regular Second Appeal No. 361 of 2021 (O&M)

Sukhbir and Others
... Appellant(s)

Versus

State of Haryana and Others
... Respondent(s)

3. Regular Second Appeal No. 363 of 2021 (O&M)

Arjun and Another
... Appellant(s)

Versus

State of Haryana and Others
... Respondent(s)

4. Regular Second Appeal No. 364 of 2021 (O&M)

Karan Singh
... Appellant(s)

Versus

State of Haryana and Others
... Respondent(s)

**Regular Second Appeal No. 360 of 2021 (O&M) And
Five Other Connected Regular Second Appeals**

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5. Regular Second Appeal No. 373 of 2021 (O&M)

Rohtash and Others

... Appellant(s)

Versus

State of Haryana and Others

... Respondent(s)

AND

6. Regular Second Appeal No. 374 of 2021 (O&M)

Kuldeep and Others

... Appellant(s)

Versus

State of Haryana and Others

... Respondent(s)

DATE OF DECISION: 23.07.2021

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Vijay Kumar Sheoran, Advocate
for the appellant(s).

Mr. Pritam Singh Saini, Senior Additional Advocate,
General, Haryana, for the respondents.

Anil Kshetarpal, J.

1. By this order, Regular Second Appeal No. 360, 361, 363, 364,
373 and 374 of 2021 shall stand disposed of.

2. The appellants filed as many as six civil suits claiming that they
are the owners of the various pieces of the land which has been illegally
encroached upon/utilized by the State of Haryana towards constructing a
drain. In fact, the plaintiffs have pleaded that the State of Haryana had

with law and paid compensation. However, 44 feet wide strip of the land has been utilized by them for constructing Mitathal Ghuskani Drain.

3. The learned trial Court appointed a Local Commissioner, who, after visiting the spot and carrying out the demarcation, reported that in fact, the State has utilized 44 feet wide strip of the land belonging to the plaintiffs.

4. Keeping in view the aforesaid facts, the learned trial Court directed the State to formally acquire the unacquired land which has been utilized and pay compensation to the owners.

5. The State of Haryana has filed various appeals challenging the judgment passed by the learned trial Court. The learned first Appellate Court modified the judgment and ordered that the plaintiffs are entitled to recover the possession of the unacquired land, which has been illegally occupied by the defendants.

6. On 02.07.2021, the learned Senior Additional Advocate General, Haryana, was requested to take the complete instructions. On 19.07.2021, once again, on the request of the learned counsel representing the State of Haryana, an adjournment was sought and granted.

7. Mr. Pritam Singh Saini, Senior Additional Advocate General, Haryana, has appeared and submits that the Government has taken a conscious decision to acquire the unacquired strip of the land which has been utilized for construction of the drain. He submits that the compensation payable to the land owners has been assessed and the same has been forwarded to the Additional Chief Secretary, Department of

8. Keeping in view the aforesaid facts, now it is not disputed that the State wishes to continue using the unacquired piece of the land. It is also prepared to compensate the land owners.

9. Keeping in view the aforesaid facts, the judgment passed by the learned first appellate Court cannot be sustained. If the decree passed by the learned first Appellate Court is allowed to stand, the public drain shall stand demolished. Mr. Saini has also realized this fact and submits that he has no objection if the judgment of the learned first Appellate Court is set aside.

9. Keeping in view the aforesaid facts, the judgment of the learned first Appellate Court is set aside. The State of Haryana shall adequately compensate the land owners to their satisfaction within six months from today.

10. With the aforesaid modifications, all these appeals are allowed.

11. The miscellaneous application(s) pending, if any, in all the regular second appeals shall also stand disposed of.

(Anil Kshetarpal)
Judge

July 23, 2021
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No