

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-7855 of 2017 (O&M)
Date of decision: 13.12.2022

Gurdarshan Singh

..Petitioner

Versus

Guriqbal Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Tribhuwan Singla, Advocate
for the petitioner.

Mr. S.S.Tiwana, Advocate
for respondent no.1.

ANIL KSHETARPAL, J(Oral)

1. Challenging the correctness of the award passed by the learned Additional District Judge, Barnala, while deciding the reference under Section 3-H(4) of the National Highways Act, 1956 (hereinafter referred to as 'the 1956 Act'), the petitioner has come up in the present revision petition.

2. Section 3-H(4) of 1956 Act, enables the Principal Court of Original jurisdiction to decide the disputes with regard to the apportionment and entitlement to the compensation for the involuntary acquisition of the land. The petitioner and respondent-Sh. Guriqbal Singh are brothers. Sh. Guriqbal Singh(respondent) claims that the acquired land fell in his share in a family settlement dated 17.06.1993 and he purchased some other part of the land from his father vide registered sale deed, dated 08.08.1994 and 24.08.1994. Hence, he claims that the petitioner and proforma respondents have no right on the acquired property.

3. The Additional District Judge, Barnala, on appreciation of evidence has held that the acquired land comprised in Rect. No.418, khasra

no.2/2 and 8 was owned and possessed by Sh. Guriqbal Singh exclusively in terms of family settlement dated 17.06.1993. The Court has also relied upon various documents produced in the evidence.

4. This Bench has heard the learned counsels representing the parties at length and with their able assistance perused the paper book.

5. The learned counsel representing the petitioner while referring to the copy of the jamabandi for the year 1993-1994 contends that the property is recorded to be joint and undivided between the brothers. He submits that the aforesaid jamabandi carries a presumption of correctness. He further contends that the family settlement dated 17.06.1993 has not been acted upon.

6. This Court has considered the submissions of the learned counsel representing the petitioner, however, it finds no substance therein.

7. Undoubtedly, a copy of the jamabandi being part of the revenue record carries the presumption of correctness, however, the same is rebuttable. In the present case, the aforesaid presumption has been rebutted by producing the family settlement dated 17.06.1993.

8. As regards the argument of the learned counsel of the petitioner that the family settlement has not been acted upon by the brothers, it may be noted that the court has found that Sh. Guriqbal Singh was in the exclusive possession of the acquired land. The attention of the Court has not been drawn to any provision of law which mandates that the family settlement deed entered into between the parties must be reflected in the revenue record before it can be said to be enforced by the parties to the deed.

9. Keeping in view the aforesaid facts, the revision petition is dismissed.

10. All the pending miscellaneous applications, if any, are also disposed of.

December 13, 2022
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*