

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-6826-2020(O&M)  
Date of decision:21.03.2022

Ram Sarup

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Hardip Singh, Advocate,  
for the petitioner.

ANIL KSHETARPAL, J (Oral)

By filing a writ petition, under Article 226/227 of the Constitution of India, the petitioner prays for issuance of a writ in the nature of certiorari to quash the judgment dated 03.12.2019, passed by the Principal Civil Court of the district.

The Principal Civil Court has decided the petition under Section 3H(3) & (4) of the National Highway Act, 1956. The petitioner claims apportionment of the compensation for the compulsory acquisition of the land alleging that his forefathers were allotted the land in question which was made cultivable after putting a lot of hard work. The petitioner also claims that he has paid the rent. As per the revenue record, the land in question is recorded to be owned by the Punjab Government, whereas the petitioner is recorded as "Gair Marusi". In column No.9 of the jamabandi, his status is recorded as Billa Lagan Bawaja Nazayaj Kabja" (unauthorized occupant). The petitioner in order to prove his case produced the alleged rent receipt Ex.PW1/2, which was also not proved in accordance with the provisions of the Indian Evidence Act, 1872. The petitioner further claims

that he was entitled to the allotment in terms of the provisions of the Punjab Allotment of State Government Act, 2016. In the present case, the land came to be acquired in the year 2013.

Since, the petitioner failed to prove any right, title or interest in the property, therefore, the application was dismissed.

This Bench has heard the learned counsel representing the petitioner and with his able assistance perused the paper book.

The learned counsel representing the petitioner contends that there is a receipt showing payment of rent upto the year 2001. He submits that in the absence of the receipt, the petitioner being in an unauthorized possession for quite some time is entitled to some part of the compensation.

The learned counsel representing the petitioner has failed to draw the attention of the court to any evidence led by the petitioner to prove the alleged receipt in accordance with the provisions of the Indian Evidence Act, 1872. The case set up by the petitioner is vague and contradictory. On the one hand, the petitioner claims to be an allottee in possession, whereas on the other hand, he claims to be a tenant. A perusal of the revenue record exposes the falsity of the case of the petitioner as regards the right of tenancy.

Furthermore, the revenue record which has a presumption of truth as it is an official government record, that prepares, preserves and maintains land record of the entire State, shows that the petitioner was an unauthorized occupant. The attention of the Court was not drawn to any provisions which entitles an unauthorized occupant to a share in the compensation on compulsory acquisition of premises/property thereof.

While exercising the powers of a judicial review, the

jurisdiction of the High Court is limited. In the absence of perversity, the judgment passed by a special Tribunal does not require interference.

Hence, dismissed.

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

March 21, 2022  
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(ANIL KSHETARPAL)  
JUDGE

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