

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

114

RFA-1761-2018(O&M)
Date of decision: 03.08.2022

RAM KUMAR AND ORS

..Appellants

Versus

STATE OF HARYANA AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ajay Vijarania, Advocate
for the appellants.

Ms. Vibha Tewari, AAG, Haryana.

Mr. Vikrant Rana, Advocate
for respondents.

ANIL KSHETARPAL, J(Oral)

CM-4098-CI-2018

In view of the law laid down in Imrat Lal and others Vs. Land Acquisition Collector and others (SC) 2015(2) RCR (Civil) 437, Dhiraj Singh (Deceased) through LRs Vs. Haryana State and others, 2015(2) RCR (Civil) 507 and Jethu Ram (Deceased) through LRs Vs. Union of India and others, 2016(4) Law Herald 3166, the delay of 369 days in filing the appeal is condoned, subject to the condition that the appellants shall not be entitled to the interest for the period of delay.

CM stands disposed of.

Main

On 19.07.2022, the following order was passed:-

“The dispute is with regard to the entitlement of compensation for the land which was utilized for the purpose of carving out the roads and the streets while developing a colony. The Reference Court has rejected the claim of the erstwhile landowners as well as plot owners. Prima facie, once the colony has been developed while carving out the plots, the land used for common purposes is dedicated to the Municipal Committee or Corporation or the Government.

The learned counsel representing the appellant prays for some time to assist the Court.

Adjourned to 03.08.2022.

To be listed in the urgent list.”

Once again, this Bench has heard the learned counsel representing the parties at length and perused the award passed by the Reference Court. After discussing the deposition of revenue official and PW-2 Sh. Ram Niwas, the Reference Court has come to a conclusion that 70 feet passage was left at the spot while carving out shops and plots. The Reference Court has held that some land was assigned for the passage while carving out the market in which shops were planned to be constructed. The property is situated within the limits of Municipal Committee, Charkhi Dadri. Once, the land assigned for the construction of passage, while carving out the colony has been dedicated to public cause i.e. Passage, the property will be deemed to have vested in the Municipal Committee.

The learned counsel representing the appellants failed to draw the attention of the Court to any substantive error in the observations made by the Reference Court in this regard.

Hence, no ground to interfere is made out.

Dismissed.

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

August 03rd, 2022

Ay

(ANIL KSHETARPAL)
JUDGE

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