

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CWP-957-2023****Date of Decision: October 05, 2023****SECRETARY CENTRAL GOVT OF INDIA MINISTRY OF DEFENCE**

..... Petitioner

Versus

ADDITIONAL DISTRICT JUDGE REWARI AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. S.K. Sharma, Advocate for the petitioner.

HARKESH MANUJA, J. (ORAL)

By way of present petition, prayer has been made for issuance of writ in the nature of certiorari for setting aside of order dated 21.02.2022 passed by learned the Principal Court of Original Jurisdiction-cum-Addl. District Judge, Rewari whereby reference under Section 3H(4) of National Highways Act, 1956, filed at the instance of petitioner has been dismissed.

2. Briefly stating, certain land situated in revenue estate of Village Majri Duda, Sub Tehsil Dharuhera, District Rewari which belonged to private respondents, came to be acquired for the purpose of widening of National Highway No.8 under the provisions of National Highways Act, 1956 (hereinafter referred to as 1956 Act). Award was passed on 17.06.2014.

3. Thereafter, the petitioner moved an application before District Revenue Authority-cum-Competent Authority claiming apportionment of compensation, the same was referred before the Principal Court of Original Jurisdiction-cum-Reference Court being LAC-58-2015.

3. The Reference Court vide its award dated 21.02.2022 dismissed the petition under Section 3H(4) of 1956 Act, filed at the instance of petitioner.

4. Impugning the aforesaid award, learned counsel for the

petitioner submits that from the revenue documents which were produced on record, it can be traced out that the petitioner-department was in occupation of property in question since long and thus, was entitled for grant of appropriate compensation.

5. I have heard learned counsel for the appellant and gone through the paper-book.

6. A perusal of the impugned judgment shows that there is no evidence available on record to establish as to in what capacity the petitioner-department claims itself to be in possession of the property in question especially when the column of rent in the jamabandis has been kept blank. Besides it, no record whatsoever has been produced by the petitioner-department so as to show as to in what manner, the land in question was being used/utilized by the department of defence which evidently belies the case set up by the petitioner and thus mere entries of possession in favour of petitioner cannot be relied upon for the purposes of award of compensation in its favour.

7. More than that, in the absence of any valid document in its favour, the petitioner being State, appears to be highly unjustified while claiming apportionment of compensation from the landowners with there being no proof of rent etc.

8. In view of the discussion made hereinabove and finding no merits in the present writ petition, the same is dismissed.

9. Pending application(s), if any, shall also stand disposed of.

05.10.2023
tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No

