

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-12222-2023

Date of Decision: October 18, 2023

GRAM PANCHAYAT OF SILANI

..... Petitioner

Versus

DHARAMBIR (SINCE DECEASED) THRU HIS LRS AND ORS.

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Parveen Kaushik, Advocate for the petitioner.

HARKESH MANUJA, J. (ORAL)

By way of filing the present writ petition, challenge has been laid to an order dated 19.01.2023 (P-3) in LAC No. 78 of 2016, passed by learned Additional District Judge, Jhajjar (hereinafter to be referred as "Reference Court"), while dealing with the petition under Section 3-H (3) and (4) of National Highway Act, 1956 (for short "the Act, 1956), filed at the instance of respondents-objectors seeking apportionment of compensation.

2. Briefly stating, the land measuring 1 Kanal 18 Marlas, out of total land measuring 10 Kanal 10 Marla, comprising in Khewat No. 447, Rect. No. 65, Killa Nos. 6/1 (5-8) & 15/2 (5-2), situated within revenue estate of Village Silani, District Jhajjar, came to be acquired under the Act, 1956, while passing an award under Section 3-D of the Act for compensation thereof on 10.09.2010. At the time of acquisition of land, the petitioner-Gram Panchayat was recorded as owner of the land in

question.

3. Being aggrieved thereof, the respondents-objectors invoked Section 3H (3) & (4) of the Act, 1956, seeking apportionment of the compensation, claiming themselves to be the owner of the land in question on the basis of decree dated 20.03.1985 in favour of their predecessor, namely, Nihalu, having been passed by the Court of Collector Ist Grade, Jhajjar. The aforesaid dispute was forwarded to the Reference Court. Vide order dated 19.01.2023, the Reference Court recorded the respondents to be the owner in possession of the acquired land, thereby holding them to be entitled for the amount of compensation against the aforementioned acquisition.

4. Dissatisfied with the order dated 19.01.2023, learned counsel for the petitioner-Gram Panchayat, vehemently submits that as per the revenue record, it was the Gram Panchayat, which was recorded as owner of the land in question, though respondents being recorded as "gair maursi" and thus, the compensation should have been ordered to be released in favour of petitioner.

5. After hearing learned counsel for the petitioner and going through the paper-book, I am unable to find any substance in submissions made by him.

6. Admittedly, the predecessor-in-interest of respondents, namely, Nihalu, was declared as owner in possession of the land in question falling in Rect. No. 65 and Killa Nos. 6 & 15, situated in Village Silani, District Jhajjar, vide judgment dated 20.03.1985 passed by the Collector, Ist Grade, Jhajjar in case No. 191 of 1982, titled "Nihalu Versus Gram Panchayat, Silani". It has not been brought to the notice

of this Court as to whether the aforesaid judgment & decree dated 20.03.1985 was ever assailed at the instance of petitioner-Gram Panchayat before any Court of competent jurisdiction/Appellate Authority. Moreso, no challenge has been made to the said decree even in the present proceedings, thereby leaving no option but to accept its validity in favour of private respondents.

7. In view of the discussion made hereinabove, this Court finds no illegality or perversity in the impugned order dated 19.01.2023 (P-3) and thus, finding no merit in the present petition, the same is hereby dismissed.

18.10.2023
tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>