

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

104+207

CM-14818-CWP-2023 IN/AND
CWP-4510-2016 (O&M)
Date of Decision: 04.09.2023

NARENDER & ORS

... Petitioners

VERSUS

STATE OF HARYANA & ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Jitender Kumar Sehrawat, Advocate
for the petitioners.

Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

CM-14818-CWP-2023

This is an application for placing on record the additional affidavit of the petitioner alongwith Annexures A-1 and A-2 and for exemption from filing certified copies thereof.

For the reasons mentioned in the application, the same is allowed subject to all just exceptions.

The additional affidavit alongwith the annexures are ordered to be taken on record.

Registry is directed to tag the same at appropriate place of the paper book and page mark the same.

MAIN CASE

Prayer in the present petition is for seeking issuance of directions to the respondents to conduct an inquiry into the non-determination and non-

releasing of compensation to the petitioners on account of damage caused to their crops.

Learned counsel for the petitioners contends that the common grievance espoused by the petitioners is that they had suffered damage by unseasonal rains and hailstorm during the season of Rabi Crops in 2015. The Government of Haryana had announced a compensation of Rs.9,500/- per acre, however, the Halqa Patwari prepared a wrong report and deprived the aforesaid compensation to the petitioners. A complaint was accordingly lodged by the petitioners with the Revenue Authorities, whereupon an inquiry was conducted and the defaulting Patwari was charge sheeted. Penalty was imposed in the disciplinary proceedings.

During the pendency of the present petition, the respondents were directed to submit an affidavit of the Deputy Commissioner responding to the allegations levelled.

In compliance thereto, an affidavit dated 10.03.2023 duly sworn by Naresh Narwal, Deputy Commissioner, Bhiwani has been filed. As per the said affidavit, the requisite compensation against the damages already stand released in favour of all the petitioners except for petitioners No.2 and 9 namely Ishwar Singh son of Tem Ram and Ishwar son of Desha respectively as, in the record of the Revenue Authorities, the said petitioners were neither reflected as owners nor as tenants in possession of the land in question.

Counsel for the petitioners refers to the Khasra Girdawaries pertaining to the year 2014-15 reflecting the petitioner No.9 to be in possession of the land. He contends that even the petitioner No.2 was also in actual and physical possession of the said land as owner of the land.

It is evident from a perusal of the above that the petitioner No.9 was owner and in actual cultivating physical possession of the land as per the jamabandi as well as the Khasra Girdawari for the relevant year.

The present petition is accordingly disposed of as having been rendered infructuous qua the petitioners other than petitioners No.2 and 9. The petitioners No.2 and 9 may, if so advised, submit an application to the Assistant Collector, Ist Grade-cum-Tehsildar, Bhiwani alongwith requisite revenue documents showing their ownership/tenancy over the land in question.

Upon submission of an application duly supported by the revenue documents, the Assistant Collector, Ist Grade-cum-Tehsildar, Bhiwani shall verify the same within a period of four weeks. A report shall be prepared by the concerned staff within a period of three weeks thereafter; and in the event of the documents being verified by the revenue staff with regard to the ownership/tenancy/possession of petitioners No.2 and 9, the requisite compensation be released to petitioners No.2 and 9 within a period of four weeks thereafter.

Petition stands disposed of accordingly.

Any other misc. application(s) also stand(s) disposed of accordingly.

SEPTEMBER 04, 2023

rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No