

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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RFA-1716-2023 (O&M)
Date of Decision: 09.10.2023.

RAMESH CHANDER

....APPELLANT

VS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Chanderhas Yadav, Advocate
for the appellant.

HARKESH MANUJA, J. (ORAL)

1. By way of present appeal, challenge has been laid to an award dated 26.07.2023 passed by Additional District Judge, Jhajjar (for short “Reference Court”) whereby reference petition under Section 30 of the Land Acquisition Act, 1894 (in short “the Act”) seeking apportionment of the amount of compensation, on behalf of appellant has been dismissed.

2. In the present case, land falling in khasra Nos. 479 and 480, situated within the revenue estate of Jahajjar, Tehsil and District Jhajjar came to be acquired for the purpose of development as Section-10, Jhajjar, vide notification dated 07.07.2011 issued under Section 4 of the Land Acquisition Act, 1894 followed by an award dated 04.07.2014. Claiming to be a patta holder/lease holder of the land in question which was admittedly owned by respondent Nos. 3 and 4, the appellant filed petition under Section 30 the Act, seeking apportionment of compensation amount.

It was pleaded therein that the land in question was in possession of

appellant since 2005-2006 as lessee and, thus, the same having been acquired in the year 2011 created right as regards apportionment of compensation in his favour. On the other hand, prayer made by the appellant was opposed by respondent Nos. 3 and 4, having filed their written statement resulting into dismissal of the reference vide award dated 26.07.2023.

3. While impugning the aforesaid award, learned counsel for the appellant submits that once the tenancy of appellant over the land in question was established by 'pattanama' as well as khasra/girdawaris, which formed part of record, the appellant was entitled for appropriate apportionment of compensation amount. He further submits that the findings recorded by the Reference Court were against the documents available on record.

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

5. In the present case, the appellant has already appended all the relevant documents with the present paper book/appeal and thus, the present appeal is adjudicated upon finally without calling for the record of the Reference Court. A perusal of documents appended along with the present appeal show the period of commencement of lease as 2005-2006. Initially, the period of lease was one year, however, the appellant continued to remain in possession till the land in question was notified under Section 4 of the Act on 07.07.2011. In these circumstances, the possession as lessee was only for a period of around 6/7 years, which cannot be held as long and settled for the purpose of vesting rights in favour of the appellant for the purposes of seeking apportionment of compensation. In these circumstances, when the lease were at best on year

to year basis and the appellant remained in cultivating possession, merely for 6/7 years, the acquisition caused no irreparable loss to him as regards depriving him of settled source of livelihood.

6. Thus, finding no merits in the present appeal, in view of the reasons recorded by the Reference Court, the same is liable and hereby stands dismissed.

All pending miscellaneous application(s), if any, also stand disposed of.

09.10.2023
pry

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No