

CR-2246-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision: 18.04.2024

HARIJAN SOCIETY MIRZAPUR, TEHSIL RJAPURA, PATIALA

...Petitioner

Versus

MALKIAT SINGH AND ANR

...Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Harjot Singh Bedi, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (Oral)

1. The present civil revision has been filed under Article 227 of the Constitution of India, for setting aside the order dated 24.12.2021 passed by the District Judge, Patiala, whereby the application filed by the petitioner, under Section 30 of the Land Acquisition Act, challenging the disbursement of the compensation to respondent No.1, has been dismissed.

2. Perusal of the impugned order shows that the District Judge, Patiala, has recorded a finding that the land allotted by the petitioner-Society to the members was transferable after a period of 10 years, whereas, the land was transferred to respondent No.1-Malkiat Singh after a period of 34 years of the allotment. Therefore, *per se*, under the Rules, there does not appear to be any defect in the title of respondent No.1 qua the share purchased by him. Hence, the Court below has rightly permitted the compensation to be paid to respondent No.1 qua his share.

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3. Although learned counsel for the petitioner has submitted that the members had no right to transfer the land in favour of any other person at all, however, neither any such provision has been produced before this Court nor has any title deed been shown in favour of the Society, as such, or any condition of allotment prohibiting absolute transfer by any member under any circumstances.
4. In view of the above, this Court does not find any illegality or impropriety in the impugned order.
5. Dismissed.

18.04.2024
parveen kumar

(RAJBIR SEHRAWAT)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No