



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

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CWP-17789-2022

Date of decision: 20.05.2024

HOSHIAR SINGH

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

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

Present:- Mr. Gaurav Tyagi, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer made in the present writ petition is for directing the respondents to disburse the crop damage compensation to the petitioner /lessee in pursuance of the crop damage assessment report dated 27.04.2022 (Annexure P-7) issued by the Deputy Director, Department of Agriculture and Farmers Welfare. Alternatively, it was also prayed that the respondent No.2-Deputy Commissioner be directed to decide the representation dated 18.05.2022 (Annexure P-8) and take appropriate action thereupon.

2. Reply by way of an affidavit of Anish Yadav, IAS, Deputy Commissioner, Karnal-respondent No.2 had been filed wherein it has been averred that on receipt of spot inspection report from Tehsildar, Karnal, the Sub Divisional (Civil), Karnal forwarded three layer report

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vide memo No. 792/MC dated 22.06.2022 alongwith his recommendations. Subsequently, the office of the Deputy Commissioner returned the same to the Sub Divisional Officer with a direction to provide the relevant record vide memo dated 27.06.2022. It was for the reason that the report was received regarding five fire victims in which the name of the petitioner was not mentioned rather name of the real owners including Kamalpreet Kaur and Navneet Singh were mentioned in the same.

3. That on receipt of the relevant record from Tehsildar, Karnal, the Sub Divisional Officer (Civil), Karnal paid compensation amounting to Rs. 67,500/- to the real owners i.e. Kamalpreet Kaur and Navneet Singh on 15.11.2022 to their concerned bank account for the affected area i.e. 36 Kanal-0 Marlas comprising in killas Nos. 78//8,9,12,13,19. It has further been averred that as per the revenue record including Jamabandi for the year 2020-2021 of Village Newal, Kamalpreet Kaur and Navneet Singh are the real owners of the land in question and the name of the petitioner does not figure anywhere or in the column of the occupier. The lease which has been relied upon by the petitioner has not been got registered by the petitioner from the competent authority i.e. Sub Registrar, Karnal and hence was not referred to. It is also mentioned that payments to the tune of Rs. 15,000/- per acre has been made to the actual owners as per the norms of the State Government provided vide memo dated 24.05.2022.

4. In view of the aforesaid report and considering that the

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lease deed relied upon by the petitioner was not registered and that the owners of the land actually received the compensation, the right, if any, of the petitioner is to seek reimbursement of the said amount from the true owners who are in receipt of the compensation. As the requisite document pertaining to the lease had not been registered or produced before the authorities, no precedence can be given to the same over and above the revenue record available, at this stage and execution of the lease deed and its validity and authenticity would be an issue which is required to be established.

5. Faced with the above, counsel for the petitioner does not wish to press the instant petition at this stage and seeks liberty to take recourse to appropriate proceedings for effecting recovery of the disbursed amount from the land owners. Counsel for the respondent has no objection to the same.

6. Disposed of as not pressed at this stage with liberty as aforesaid.

(VINOD S. BHARDWAJ)
JUDGE

MAY 20, 2024*Vishal sharma*

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No