

117 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-22203-2024 (O/M)  
Date of decision : 12.09.2024

Samad Baba Shri Ram Das ..... Petitioner

Versus

State of Haryana and others ..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Mani Ram Verma, Advocate  
for the petitioner.  
Ms. Upasana Dhawan, AAG Haryana.  
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HARSH BUNGER, J. (ORAL)

1. Petitioner (Samad Baba Shri Ram Das) has filed the instant civil writ petition under Articles 226/227 of Constitution of India, inter alia, seeking a writ in the nature of certiorari for setting aside the order dated 23.11.2023 (Annexure P-3), passed by learned Collector, Narnaund, whereby the order dated 25.05.2023 (Annexure P-1), passed by the learned Tehsildar, Narnaund, District Hisar, has been set aside with a further direction that full amount of compensation for the damage (kharaba) in respect of the crop in question be given to the tenants of the land.
2. Briefly, respondents No. 5 to 9 filed an application before the concerned Tehsildar seeking compensation for damage (kharaba) to the crop kharif 2021 of village Petwad, Tehsil Narnaund, District Hisar. On the other hand, the present petitioner through its Mahant also claimed compensation to the extent of 1/3 share and the balance 2/3 share to be given to the cultivators.

2.1 The learned Tehsildar, Narnaund, vide its order dated 25.05.2023 (Annexure P-1) ordered distribution of compensation for crop damage (kharaba) amongst the owner and cultivators in terms of paragraph 9.3 (xiii) of the Haryana Land Record Manual, 2013.

2.2 Being aggrieved against order dated 25.05.2023, the cultivators/tenants filed an appeal before the learned Collector, Narnaund, inter alia, on the following grounds :-

- a) that the cultivators never held the land under the petitioner as a tenant on 1/3 batai, rather they have been cultivating at the rate of 5 mand wheat as per receipts issued by petitioner on 15.07.1994, 28.06.1995 ;
- b) on earlier occasion, SDO (Civil), Hansi passed an order dated 06.07.2007 directing that entire compensation amount be paid to the cultivators and other tenants as they are paying fixed rent at the rate of 5 mand of wheat per acre. It was claimed that the said order has attained finality ;
- c) reliance was placed upon an agreement dated 29.11.1993 written by Mahant Kahan Das Swami (immediate predecessor of Samad Baba Ram Dass).

2.3 The learned Collector, Narnaund, vide his order dated 23.11.2023 (Annexure P-3) allowed the appeal filed by respondents No. 5 to 9 herein by holding as under :-

*“ Considering all the documents presented by the appellant, the orders dated 25.05.2023 of the Tehsildar, Narnound, the orders dated 06.07.2007 of the court, against which no appeal has been filed, and the cited decisions (R.O.R. Nos. 22 to 27 of 1968-69 dated 09.01.1969 by the Hon'ble Financial Commissioner, Haryana Government, in Mohan Lal vs. Laghu and others), I have come to the conclusion that the agreement signed by the then Mahant Kahan Das*

*on 29.11.1993 for the tenants of Samadh at the rate of five mands of wheat per acre per year, which is a fixed rent as per the agreement, and as per para 9.3 (XIII) of the Haryana Land Record Manual 2013, if the land rent is fixed, then the entire compensation amount will be given to the tenants. The said paragraph is as follows :-*

*“9.3 (xiii) The amount of relief payable to a tenant should be apportioned between the landowner and the tenant in the ratio in which crop is shared between the two and where a fixed rent is payable by the tenant, the tenant is to get the entire amount to relief admissible. A reasonable payment to the Siries and share – croppers out of the amount of compensation payable to the landowners should be ensured, as per their share of crops in the records or local customs.”*

*In view of above mentioned documents and arguments, considering the tenant on fixed rent, I accept the appellant's appeal and order that the full amount of compensation for the damage to the relevant land be given to the tenant of this land. Admittedly, in the revenue records pertaining to the relevant land, instead of recording on-third of the amount, as per the agreement dated 29.11.1993, the share of all tenants involved in the agreement should be recorded under the category of 'Fixed Rent' by the respective Circle Revenue Officer. File be consigned to record after compliance.”*

3. In the aforementioned circumstances, the petitioner has filed the instant civil writ petition for the relief(s), as noticed above.

4. Heard.

5. After arguing for some time, learned counsel for petitioner has submitted that he has no objection if entire compensation is paid to private respondents, however, the petitioner is primarily aggrieved against

the direction given by learned Collector to the effect that entries in the revenue record be changed to 'fixed rent'. It is submitted that there are other litigations pending between the parties qua the land in question and such a direction would prejudice the claim of the petitioner.

6. In my considered view, learned Collector has issued the direction to change the entries in the revenue record to 'fixed rent' only to bring the revenue record in consonance with the earlier order dated 06.07.2007 (Annexure P-4) wherein it was held that the rent was payable as per agreement dated 29.11.1993, as 'fixed rent'.

7. Be that as it may, keeping in view the submissions made by learned counsel for the petitioner that there are other cases pending as regards land in question, it is observed that the direction issued by learned Collector for making change in the revenue entry shall be subject to final adjudication of the inter se rights between the petitioner and respondents No. 5 to 9 herein by the court of competent jurisdiction and the changed entries be treated only for fiscal purposes for updating the revenue records.

8. In view of the aforementioned facts and circumstances, the present petition is dismissed with the aforesaid observations.

9. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)  
JUDGE

12.09.2024  
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No