



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-28444-2024

Date of decision: 21.10.2024

SURENDER SINGH ALIAS SHAILENDER SINGH

.....Petitioner

VERSUS

LOKAYUKTA HARYANA AND OTHERS

.....Respondents

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

Present: - Mr. Robin Lohan, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

Challenge in the present writ petition is to the order dated 29.08.2019 passed by the Lokayukta Haryana whereby the complaint filed by the petitioner has been dismissed by relying on the enquiry report submitted by the office of the Sub Divisional Officer (Civil), Hisar.

2. Learned Counsel for the petitioner *inter alia* contends that the petitioner is owner of agricultural land, to the extent of his share of 1/162, in Khewat No. 300, Khatoni No. 457 to 462 (which is a joint khata) vide sale deed No. 6395 dated 30.03.1998. Mutation No. 1269 dated 19.12.1998 had also been sanctioned in his favour. He contends that the Govt. of Haryana had decided to compensate the farmers for the damage caused to their crops in the year 2014, on the basis of a survey report submitted by the Revenue Department. He contends that notwithstanding that the petitioner was owner of the said land, the compensation admissible to the petitioner had been

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disbursed to certain private persons who tampered with the Khasra Girdawari, even though they had no right to the same. Aggrieved of such disbursement of the compensation, the complaint No. 75 of 2016 was preferred by the petitioner before the Lokayukta, Haryana. However, the said complaint has now been dismissed. Aggrieved thereof, the present writ petition has been filed.

3. I have heard learned Counsel appearing on behalf of the petitioner at length and have gone through the documents as well as the order dated 29.08.2019 passed by the Lokayukta, Haryana.

4. Notwithstanding that the present writ petition has been filed after a delay of more than 05 years of the dismissal of the complaint by the Lokayukta and writ petition was liable to be dismissed on the grounds of delay and laches, the case has also been examined by this Court on merits. It is evident that the petitioner purchased the land which was not a partitioned land and had received it in the nature of a share in the aforesaid joint land holding and it is deemed to be a sale with respect to a share only, even if the sale deed records any specific numbers.

5. The Lokayukta, on receipt of the complaint, issued notices to the respondents and the Deputy Commissioner, Hisar was directed to enquire into the matter, by associating the complainant, and to furnish a report to the Office of Lokayukta, Haryana. Vide letter dated 17.04.2017, the Deputy Commissioner furnished the said enquiry report, which was duly supplied to the petitioner-complainant, for information and submitting the objections. The same were filed on 05.12.2017 by the petitioner herein.



6. On consideration, the matter was marked to the Registrar for a preliminary enquiry. On conclusion of the preliminary inquiry in the matter, conducted by the office of Lokayukta, Haryana a report dated 17.07.2019 was submitted which reads thus:-

"This complaint has been brought by Mr. Surender Singh alias Shailender Singh S/o Sh. Balbir Singh, r/o VPO- Chikanwas, Tehsil & District Hisar against (1) Sh. Satbir Singh Lochab, Tehsildar, Hisar (2) Sh. Hoshiar Singh, Kanungo (3) Sh. Prithvi Singh, Patwari, Hisar (4) Sh. Rajinder Kumar Tehsildar (5) Sh. Ram Niwas Kanungo (6) Sh. Rajpal Patwari (7) Sh. Joginder Patwari.

2. The allegations of the complainant are that as per the jamabandi for the year 2014-15 in Khewat No. 300, Khatoni No. 457 to 462 which is a joint khata, Dharam Pal, Umed Singh & Uttam Pal Ss/o Sh. Jagat Singh purchased 440 share from Mr. Gugan Ram S/o Sh. Surat Singh etc. vide registered sale deed No. 540 dated 30.04.1997, mutation No. 1262 was also sanctioned. The complainant purchased 1/162 share through registered sale deed No. 6395 dated 30.03.1998 from Dharam Pal etc. and a mutation No. 1269 dated 19.12.1998 has been sanctioned. Dharam Pal etc. now left with 278 share total measuring 13K-18M and the girdawari of that land is in the name of Gugan Ram etc. co-sharers. It is alleged that the revenue officers without information changed the khasra girdawari of khewat No. 66//, kila No. 7/2(2-18), 14(8-0), 17/1(5-2) & 22//18(8-



0), 19(8-0), 20(8-0), 22(8-0), 23(8-0), 24(8-0). It is further alleged that Dharam Pal etc. were having the land measuring 13K-18M but they were given the compensation of 31K-3M and similarly Mukhtiar Devi was given the Compensation of 50K-10M. It is alleged that complainant made a complaint to the Chief Minister but no action was taken.

3. After receiving the complaint, the complaint was forwarded to the Deputy Commissioner Hisar to get the matter enquired into and submit the enquiry report. Enquiry report received. Complainant filed the objections and parawise reply to the objections has also been received. As per the enquiry report mark 'A' while preparing the jamabandi 1994-99 which was prepared in the year 1999-2000 in place of Gugan Ram co-sharer, the name of Dharam Pal etc. having 1/4 share was mentioned and in khata No. 254 in khasra No. 86, 14/17/1 khata 3 measuring 16K-0M in place of Gugan Ram etc. the entry of Dharam Pal etc. made but this entry should have been made as per the mutation. It is mentioned in the report while preparing the computerised jamabandi in the year 2009-10 in the column of cultivation entry of Dharam Pal, Umed Singh and Uttam Pal has also not been made complete. So far as about the compensation in the year 2014 is concerned that has been paid as per the mutation and the record, the compensation has been given rightly.

4. The present complaint relates to the distribution of the compensation. The allegation of



the complainant is that the complainant has been given the compensation less according to his share whereas some of the persons have been given compensation more than their share. Only question which requires determination is as to whether the complainant has been given the compensation as per his share or not. Mark 'X' is the khasra girdawari on the basis of which the compensation has been distributed. As per the jamabandi all the co-sharers are in the joint possessions by different sale deeds of un-partitioned land having been purchased from the co-owners, so that sale shall be presumed to be sale of share until and unless the land is partitioned. As per the revenue record copy of khasra girdawari mark 'X' at the time of awarding the compensation all the co-sharers were in joint possession and according to the share of the co-sharers, the compensation has been distributed. So, it cannot be said that other co-sharers have been given the more compensation than the complainant. The complainant has been paid the compensation as per his share, so, he has left with no grievance to file the complaint.

5. The compensation with regard to the damage of crops is always paid as per the person shown to be in possession in the revenue record. The complainant has not been shown to be in possession more than his share so he was not entitled for the compensation more than he has been paid according to his share. So, the complaint deserves to be filed. However, for final consideration report alongwith record be submitted before Hon'ble Lokayukta Haryana."



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7. It is evident from a perusal of the aforesaid that the petitioner is a co-sharer in joint possession of the entire land and as per the provisions of the revenue law, till an actual partition is reflected and separate khewats have been carved out, all co-sharers remain owner to the extent of their respective share in the property and as such, the compensation had been disbursed in terms of the applicable revenue law.

8. There is also nothing on record to substantiate that there is any element of abuse of power by the revenue officials or that there was an element of corruption in doing so. The allegations thus remained uncorroborated.

9. On a pointed query, Counsel for the petitioner also fairly concedes that a partition had not been effected between the parties and the Jamabandi is of joint ownership. He has also not been able to refer to any provision of statute or law to support his case or to dispel the reasons recorded by the Lokayukta, Haryana.

10. In view of the aforesaid factual aspects, I find that there is no illegality or impropriety in the order dated 29.08.2019 passed by the Lokayukta, Haryana. The writ petition is accordingly dismissed in *limine*.

OCTOBER 21, 2024
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No