



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

246

RSA-5389-2017(O&M)

Date of decision: 08.01.2025

THE COLLECTOR, SONIPAT FOR THE STATE OF HARYANA

..Appellant

Versus

DHARAM SINGH AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Safiya Gupta, AAG, Haryana.

ANIL KSHETARPAL, J(Oral)CM-14387-C-2017

1. For the reasons stated in the application for condonation of delay which is supported by an affidavit, the application is allowed.
2. The delay of 190 days in filing the appeal, is condoned.
3. CM stands disposed of.

Main case

4. The State of Haryana challenges the correctness of concurrent findings of fact arrived at by the Courts below while decreeing plaintiffs suit for grant of compensation for illegally storing huge stones in the agricultural land of the plaintiffs for a period of three years. The Courts have awarded Rs.9,86,800/- towards use and occupation of the land and removal of the stones. The plaintiffs are owner of 24 kanal land situated in village Rasulpur, District Sonapat. In May, 2011, in order to control the flood water of Yamuna river, heavy stones of large size were stacked in the agricultural land of the plaintiffs while promising to remove the same within 6-7 days, however, these stones were not removed for a period of three years. Thus, depriving



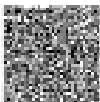
the plaintiffs from cultivating the land and earning their livelihood. The defendants contested the suit admitting that stones were placed in the agricultural land of the plaintiffs, however, it was denied that the plaintiffs suffered any loss. The plaintiffs in order to prove their case, examined PW-1 Sh. Yashpal, PW-2 Sh. Dharam Singh, PW-3 Sh. Hawa Singh, PW-4 Sh. Gulab Singh and produced documents Ex.P-1 to Ex.P-11. The defendants examined Sub-Divisional Officer Sh. Ashish Kaushik.

5. Upon appreciation of evidence, both the Courts decreed the suit.

6. Learned counsel representing the appellants contend that the plaintiffs have not produced any evidence to prove loss and a contractor was engaged by the State to put the stones and thereafter, for removing the same once the threat of flood was over. She submits that in such circumstances, the Courts have erred in granting compensation.

7. This Court has considered the submissions of learned State Counsel.

8. It is not in dispute that the State in order to prevent threat of floods had put stones of huge size in the agricultural land of the plaintiffs, however, no evidence has been led to prove that the stones were removed immediately after the threat was over. The plaintiffs have produced copies of *khasra girdawari* , application submitted to the department for removing the stones and report of the Patwari. They have also produced copy of the invoices proving expenditure of Rs.86,800/- for engaging JCB to remove the stones. The defendants have not examined the contractor or produced any cogent evidence to prove that the stones were removed from agricultural land of the plaintiffs within short time.



9. Keeping in view the aforesaid facts, no ground to interfere is made out.
10. Dismissed accordingly.
11. All the pending miscellaneous applications, if any, are also disposed of.

January 08th, 2025

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(ANIL KSHETARPAL)
JUDGE

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