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2026:PHHC:060314-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-276-2025 (O&M)
Date of decision : 07.04.2026

Samad Baba Shri Ramdas Dera Baba
Shri Ramdas, Petawad ...Appellant

Vs.

State of Haryana and others ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Mani Ram Verma, Advocate
for the appellant.

Mr. Aman Mittal, DAG, Haryana.

Mr. Robin Lohan, Advocate
for respondent Nos.5 to 9.

DEEPAK MANCHANDA, J.

CM-963-LPA-2026

Application is allowed as prayed for.

Annexures R-1 and R-2 are taken on record.

Main case

1. Through the present intra-court appeal, the appellant has challenged the impugned judgment dated 12.09.2024 passed by learned Single Judge, by which the writ petition bearing No.22203 of 2024 filed by appellant was dismissed.

2. The facts emanating from the pleadings in the present appeal are that respondents No.5 to 9 filed an application seeking compensation for damaged (kharaba) crop (Kharif) for the year 2021 and on the other hand, the appellant through its Mahant has also claimed compensation to the extent of 1/3rd share and that the balance 2/3rd share to be given to the cultivators. The authorities i.e. Tehsildar, Narnaund, District Hisar vide order dated 25.05.2023 (Annexure P-1) ordered for distribution of the compensation as per the column No.9 of the Jamabandi between owner and the cultivators and it was ordered that halka patwari and kanungo would prepare APR and would thereafter distribute the amount of compensation. Thereafter, respondents No.5 to 9 filed appeal before the Assistant Collector, Narnaund against the order dated 25.05.2023, which was allowed vide order dated 23.11.2023 (Annexure P-3) and a direction was given to grant entire amount of compensation to the tenants i.e. the respondent. The said order was challenged by the appellant herein by way of filing CWP-22203-2024 with the prayer that full amount of compensation for the damage (kharaba) in respect of the crop in question be given to the tenants of the land i.e. the respondent herein. The learned Single Judge vide impugned judgment dated 12.09.2024 dismissed the writ petition, which judgment has been assailed in this intra-court appeal.

3. Learned counsel for the appellant contends that the learned Single Judge has wrongly interpreted the submission of the learned counsel regarding payment of entire compensation to the respondents i.e. the tenants as there is no provision under law that allows filing of an appeal before the Collector against an order passed by the Assistant Collector in proceeding relating to payment of compensation for damaged crops and furthermore the Collector in

such proceeding has no jurisdiction to order change of entries in revenue record as 'fixed rent' instead of '1/3rd batai'. Learned counsel further argued that the learned Single Judge erred in law while observing that the direction of Collector for making change in the revenue record shall be subject to final adjudication of the inter-se rights of the appellants and the respondents by the Court of competent jurisdiction and change in entries be taken into consideration only for fiscal purposes i.e. for updating the revenue record. He has further argued that the learned Single Judge failed to notice the submission and the averments in the writ petition regarding not providing proper opportunity of hearing to the appellant while the case was being adjudicated by appropriate authorities.

4. Heard.

5. The relevant findings recorded by the learned Single Judge vide impugned judgment dated 12.09.2024 are reproduced hereunder:-

"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.”

6. We have also gone through the orders dated 25.05.2023 (Annexure P-1) and 23.11.2023 (Annexure P-3). The arguments raised by learned counsel for the appellant in reference to granting amount of compensation does not survive as during pendency of the writ petition before the learned Single Judge, a categoric statement was made that the appellant has no objection in case entire compensation is paid to private respondents, so now again agitating the same through the present intra Court appeal will not serve any purpose and same cannot be treated as an exception at this stage.

7. With regard to second issue raised by learned counsel for the appellant that entries in the revenue record be changed to fixed rent, the same has also been dealt with by the learned Single Judge by observing that the directions issued by the Collector for making change in the revenue entry shall be subject to final adjudication of the inter se rights between the appellant and respondent Nos.5 to 9 by the Court of competent jurisdiction and the changed entries be treated only for fiscal purposes for updating the revenue record, on being asked, if there is any prejudice which is being caused to the appellant in case same is done, learned counsel has not been able to show any such prejudice caused.

8. Given the above discussion, we believe that there is no perversity, infirmity or error in the impugned judgment dated 12.09.2024 passed by learned Single Judge, hence, same does not require any interference.

9. Consequently, the Intra-Court appeal stands dismissed.
10. Pending civil miscellaneous application, if any, stands disposed of.

(DEEPAK MANCHANDA)
JUDGE

(HARSIMRAN SINGH SETHI)
JUDGE

07.04.2026

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Whether speaking/reasoned :
Whether Reportable :

Yes
No