

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

RSA No.2374 of 2007 (O & M)
Date of decision 28.11.2008.

Chhatter Singh and others

.....Appellants

versus

State of Haryana and others

.....Respondents

Coram:- Hon'ble Mr. Justice Kanwaljit Singh Ahluwalia.

Present: Mr. Mahavir Sandhu, Advocate for the appellant.

Mr. Jayender Singh Chandail, Addl. AG, Haryana,
for respondent.

KANWALJIT SINGH AHLUWALIA, J.

In para 10 of the written statement defendant-state has made the following submission:-

“That contents of Para No.10 of the plaint are wrong hence denied into-to. Defendants do not want to dispossess the plaintiffs from the suit land forcibly and illegally but want that plaintiffs should quit their illegal claim over the suit land at least after taking award by their ancestral for a land measuring 5.34 acres which included the compensation of the suit land.”

It has been stated by DW-I Mr. S.D. Sharma, SDO, who appeared as a witness that land measuring 5.34 acres is with the Irrigation Department. The award of the suit land was announced on 24.2.1954 by Land Acquisition Officer, PEPSU, Patiala vide notification Ex. DA. Copy of award has been proved as Ex.D1. Appellant-plaintiff has filed suit relying upon order passed by Assistant Collector Grade-II wherein correction in Khasra Girdawri was made and the possession of the plaintiff

was reflected. The Court held that no sanctity can be attached to entry in the Khasra Girdawri in view of the gazette notification for acquisition of land. Sh. Chandail appearing for the State submit that compensation has been already disbursed to the appellant-plaintiff Chattar Singh, Dalbir Singh and Wazir Singh. This case is nothing but ploy to usurp the land of the State.

The perusal of facts show that the suit for permanent injunction was instituted by Chattar Singh, seeking declaration to the effect that order passed by Collector, Sub-Division, Safidon dated 29.7.1997, order of Commissioner, Hissar 26.5.2000 that entries in Khasra Girdawri of Kharif 2000 and Rabi 2001, on the basis of Rapat Roznamcha qua the land in dispute are null and void and illegal and not binding upon the plaintiff. It was further submitted that plaintiff is in possession of 2/3rd share of the land and the defendant-State be restrained from interfering in the peaceful possession and for transferring the suit land. Written statement was filed by the State in which it was stated that there was an award passed by the Land Acquisition Officer. It was submitted that somehow rather wrongly mutation of the suit land was not changed in favour of the Irrigation Department. Therefore, plaintiff is taking benefit of this omission. Trial Court formulated the issues and thereafter the plaintiff examined witnesses and showed various documents Exhibit P1 to P10 which are entered in the revenue record. Trial Court held that plaintiff would not be entitled to any declaration and injunction as the suit land has been acquired vide notification dated 02.04.1954. Aggrieved against the same an appeal was filed in which finding of the trial Court have been affirmed. In view of the concurrent finding of the facts recorded on the basis of evidence, there is

nothing in the present appeal to formulate a different opinion. The Courts below had appreciated the evidence and recorded concurrent findings of the fact. Counsel for the appellant has been unable to formulate substantial question of law, merely because revenue record contains such an entry. In view of notification and fact that possession has been delivered to the defendants, no interference is warranted.

Therefore, present appeal is dismissed.

28.11.2008

A. Kaundal

(KANWALJIT SINGH AHLUWALIA)
JUDGE