
(2009) 03 P&H CK 0282

In the Punjab And Haryana At Chandigarh

Case No : Civil Revision No. 1341 of 2009 (O and M)

Sukhbir Singh and Others

APPELLANT

Vs

Prem Parkash and Others

RESPONDENT

Date of Decision : 18-03-2009

Acts Referred:

Land Acquisition Act, 1894 — Section 30, 4

Citation : (2009) 03 P&H CK 0282

Hon'ble Judges : Rakesh Kumar Garg, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rakesh Kumar Garg, J.

CM No. 6194-CII of 2009

1. Civil Miscellaneous application is allowed. Judgment dated 03.09.2001 titled as Prem Parkash and Ors. v. Parmel Singh and Ors. passed by Sh. J.S. Jangra, Additional District Judge, Karnal, is taken on record as Annexure P-3 with the revision petition.

2. CM disposed of.

CM No. 5885-CII of 2009

3. Civil Miscellaneous application is allowed as prayed for subject to all just exceptions.

4. CM disposed of.

Civil Revision No. 1341 of 2009

5. This revision petition has been directed by the petitioners against the impugned order dated 20.01.2009 passed by Additional District Judge, Karnal, whereby objections filed by them, have been dismissed.

6. As per the averments made in this petition, State of Haryana acquired 120 acres of land vide notification dated 07.04.1989 issued u/s 4 of the Land Acquisition Act for developing the grain market at Karnal. Award in respect of the acquisition in question was passed on 11.03.1992. A portion of the acquired land consisted of khewat Nos. 1168 and 1133. As per the revenue record the total area of khewat No. 1168 is 46B-16-B while the area of khewat No. 1133 is 49B-11B. However, the State Government had acquired land measuring 12B-18B from khewat No. 1133 and land measuring 17B-1B from khewat No. 1168.

7. The respondent Nos. 1 to 6 purchased the acquired land comprising in khewat Nos. 1133 and 1168 after notification u/s 4 of the Land Acquisition Act through four different sale deeds. According to them, they had also purchased some land from the same khewat prior to that and at the time of the Award, the Collector had not considered their claim for compensation. So, they made a reference u/s 30 of the Land Acquisition Act for apportionment of their share in the acquired land. The aforesaid reference was contested by the other co-sharers of the aforesaid khewats i.e. respondent Nos. 7 to 24 and petitioners. After considering the claims of the co-sharers the Additional District Judge, Karnal, vide judgment dated 03.09.2001 (Annexure P-3) held that keeping in view the transactions the petitioner vendees were entitled to the compensation according to their respective shares qua the acquired land in place of the vendors and at the same time, it was also held that if the vendors have left any share out of both the joint khewats they are also entitled to the compensation as already assessed by the Land Acquisition Collector. The operative part of the aforesaid judgment dated 03.09.2001 is reproduced as under:

In view of above discussion, the present petition is allowed and all the petitioners are entitled for proportionate share from the share of the Vendors as per sale deeds and entries made in the revenue record. The petitioners are also entitled to solatium and interest as per rules. However, the parties are left to bear their own costs. Memo of costs be prepared and file be consigned to the records.

8. Respondent Nos. 1 to 6 filed execution petition claiming compensation as granted by the judgment dated 03.09.2001 by the reference Court u/s 30 of the Land Acquisition Act.

9. Upon notice, respondent Nos. 15 and 16 filed objections claiming compensation on the ground that they were also entitled to the compensation as per their remaining land. Similarly, respondent Nos. 7 to 9 also filed objections claiming that their share still remained in khewat No. 1133 as per Chhant of Patwari Halqa filed on the record of the case and they were entitled to the compensation. Petitioners did not file any objections. The Additional District Judge, Karnal, vide impugned order held that the reference Court had found that purchasers (respondent Nos. 1 to 6) have stepped into the shoes of the vendors and are entitled to their share of compensation and rejected the plea of the objectors that they were also entitled to compensation as per Chhant prepared by the revenue patwari.

10. Challenging the aforesaid order, learned Counsel for the petitioners has vehemently argued that vide impugned order entire compensation has been ordered to be disbursed to respondent Nos. 1 to 6 despite the fact that vide judgment dated 03.09.2001 the reference Court held that respondent Nos. 1 to 6 are entitled for proportionate share from the share of the vendors as per sale deeds and the entries made in the revenue record and therefore the impugned order is liable to be set aside.

11. I have heard learned Counsel for the petitioner and perused the record of the revision petition.

12. Undisputedly, the petitioners have not filed any objections to the execution petition filed by respondent Nos. 1 to 6. Even the learned Counsel for the petitioners was unable to submit before this Court with regard to the alleged remaining land falling to their share in the acquired land or with regard to their entitlement to the compensation. Thus, the petitioners have failed to satisfy the Court as to how the petitioners are aggrieved by the impugned order in the absence of any objections filed by them before the Executing Court. Even the learned Counsel for the petitioners was unable to substantiate his argument from the record of the case as noticed above. The Executing Court has nowhere ordered to disburse the entire compensation of the acquired land of both the khewats i.e. khewat Nos. 1133 and 1168 to the respondent Nos. 1 to 6. Vide impugned order the Executing Court has clearly stated that the purchasers have stepped into the shoes of the vendors and are entitled to their share of compensation.

13. For the reasons recorded above, I find no merit in this revision petition.

14. Dismissed.