

Ram Kishan Vs. Land Acquisition Collector & another

RSA No. 468

of 2018

1.4.2022

Present: Mr. Ajay Sharma, Senior Advocate with Mr. Ajay K. Thakur, Advocate, for the appellant.

Mr. Vinod Thakur, Addl. A.G. with Mr. Rajat Chauhan, Law Officer, for respondent No. 1.

Mr. Rahul Mahajan, Advocate, for respondent No. 2.

On 18.12.2018, this Court

passed the following order:

“Mr. Vineet Juneja, SSE, Railways, from the office at Chandigarh is present. He states that it will take about two weeks’ time to identify the land in question. His statement is taken on record. The officials of the Railways are directed to approach the LAO (Railways) as well as the concerned revenue official attached to their office within a period of one week from today. On being approached, the LAO (Railways) and the aforesaid officer/official are directed to render all necessary assistance to the officers/officials of the Railways so that land in question can be duly identified and a map (tatima) thereof can be prepared. Let the needful be done well before the next date of hearing.

List on 2.1.2019.”

2. In compliance to the aforesaid order, Assistant Commissioner-cum- Land Acquisition Officer (Railway) Una has submitted its report, relevant portion whereof reads as under:

“Kindly refer to your office letter No. 2 W/C/Court Case/CDG dated 21.12.2018 on the subject cited above and to submit that spot was inspected and demarcation of land was carried out and found that khasra number 17 has been acquired by the Land Acquisition Officer (Railways) Una for laying broad gauge Railway Line and construction of Railway station in the said khasra number by name and style Churru Takarla Railway Station but the abade of the plaintiff has not been acquired by the LAC (R) , Una and no payment has been made to him so far.

It is further submitted that khasra number 17/1/1 measuring 0-21-47 hecets owned by Shri Ram Kishan has already been acquired and payment has been made After Joint inspection of land it is found that some portion (0-00-12 m) of khasra Number 17/1/1 has bee encroached by Shri Ram Kishan by constructing a house over this land. The Map (tatima) of encroached portion of land is prepared and enclosed therewith.”

3. According to the appellant, his client has not made any encroachment over the land in question, rather his house is already standing on the spot, as depicted in tatima, accompanying the report.

4. On the other hand, learned counsel for the respondent contend that even as per the report of the Local Commissioner, it was the appellant who carried out encroachment over the land in question.

5. If that be so, there would be some contemporaneous official record available with the respondent to at least suggest if not proved that the

house of the appellant was constructed after the land has been acquired.

6. Learned counsel for the respondent prays for and is granted four weeks' time to produce such documents. List on 6.5.2022.

(Tarlok Singh Chauhan)
Judge

April 1, 2022
(Kalpana)