

Rashid & Ors. v. Panchayat Deh, Guarka
LAC Case no.85 of 2017
1

HRNU010018332017



Presented on : 05.05.2017
Registered on : 05.05.2017
Decided on : 04.07.2026
Duration : 9 years, 1 month

IN THE COURT OF
ADDITIONAL DISTRICT JUDGE AT NUH
Presided Over by Dr. Rahul Bishnoi

LAC – 85/2017

1. Rashid age 55 years son of Shri Nihal Khan
2. Hamid age 60 years son of Shri Nihal Khan
3. Subrati age 75 years son of Shri Nihal Khan
4. Majid age 68 years son of Shri Nihal Khan
5. Fazruddin age 61 years son of Shri Nihal Khan
6. Sher Mohd. age 55 years son of Saddik
7. Khushi Mohd. age 48 years son of Saddik
8. Jamshed age 38 years son of Saddik

All residents of Village Guarka, Tehsil Tauru, District Nuh.

9. Khushid Ahmed age 55 years son of Mammandin
10. Tayyab Hussain age 52 years son of Mammandin
11. Fakruddin age 48 years son of Mammandin

Rashid & Ors. v. Panchayat Deh, Guarka
LAC Case no.85 of 2017
2

12. Noordin age 42 son of Mammandin gair moursi

All residents of Village Kanker Kheri, Tehsil Nagina, District Nuh.

....Petitioners.

Versus

Panchayat Deh R/o Village Guarka, Tehsil Tauru, District Nuh.

...Respondent.

**Reference Petition Under Section 30 of the
Land Acquisition Act, 1894 against Award
no.07 dated 28.06.2013.**

Argued By:

Petitioners no.1, 3, 5 to 8 proceeded against *exparte* vide order dated 01.07.2026.

Petitioner no.4 stated to be died.

Petitioners no.2, 9 to 12 are proceeded against *exparte* vide order dated 13.09.2017.

Sh. Suleman Khan, Ld. Counsel for the respondent.

A W A R D

The details of the Award and other particulars are as under:

Date of Notification no.S.O.1410(E)	31.05.2010
Number and date of award passed by District Revenue Officer-cum-Competent Authority, Nuh.	Award No.07 dated 28.06.2013
Date of notification no.S.O.1742(E)	22.07.2011

Rashid & Ors. v. Panchayat Deh, Guarka
LAC Case no.85 of 2017
3

Total area of land acquired.	282 Kanal, 0 Marla (14.2665 Hectares)
Purpose of acquisition.	For the purpose namely execution, maintenance, management and operation of Special Railway Project, Western Dedicated Freight Corridor in District Mewat.
Rate per acre awarded by the Collector	₹35,00,000/-per acre.

2. DRO-cum-LAC, Mewat (Nuh) has sent the present reference under Section 30 of the Land Acquisition Act, 1894 (here-in-after referred to as the 'Act', for brevity), with the averments that the land measuring 260 Kanal 13 Marla (13.1584 Hectares) was acquired vide Award No.07 dated 28.06.2013 for the execution, maintenance, management and operation of Special Railway Project, Western Dedicated Freight Corridor (DFCCIL) in District Mewat. The possession of the land measuring bearing Rect. no.20//14/1 (1-14) measuring 1 Kanal 4 Marla, situated within the revenue estate of village Guwarka, Tehsil Tauru, District Nuh had been taken by the Government as per rules but interested person namely Rashid, Hamid, Subrati, Majid, Fazruddin, Sher Mohd., Khushi Mohd., Jamshed R/o village Guarka, Tehsil Tauru and Khushid Ahmed, Tayyab Hussain, Fakruddin & Noordin, all residents of village Kanker Kheri, Tehsil Nagina, District Nuh had filed an application under section 30 of the Act with the request that compensation should not be disbursed to the respondent. It has been claimed that the petitioners are in cultivating possession of the land in question and the petitioners are claiming to be in possession, being *gair maursi*. Hence, the

Rashid & Ors. v. Panchayat Deh, Guarka
LAC Case no.85 of 2017

4

reference. Along with the reference, a cheque of compensation amount was also sent, which was deposited in fixed deposit in order to avoid loss of interest.

3. Upon notice, the respondent appeared before the court and contested the same by filing reply and claimed the compensation amount in its favour. Prayer has been made to disburse the amount of compensation to the respondent.

4. Notice of the reference petition was duly served upon the petitioners no.2, 9 to 12 & 1, 3, 5 to 8 but no one appeared on their behalf and they absented themselves from the court proceedings and hence, they were proceeded against *exparte* vide order dated 13.09.2017 & 01.07.2026 respectively and the petitioner no.4 was stated to be died

5. Since no one appeared on behalf of the petitioners, the case was fixed for evidence of the respondent. In support of its case, the respondent has examined Sh. Yunus, Nambardar as RW1. Besides this, the respondent has also led the following documentary evidence namely copy of jamabandi for the year 2009-10 as Ex.R1.

6. Learned counsel for the respondent has argued that the acquired land in question is *Shamlat Deh*, which vests in Gram Panchayat and there is no

Rashid & Ors. v. Panchayat Deh, Guarka
LAC Case no.85 of 2017
5

record of tenancy or payment of rent by the petitioners and hence, they are not entitled to any compensation amount and the entire compensation amount be released in favour of the Gram Panchayat i.e. the respondent and hence, the present reference be decided in favour of the respondent.

7. I have heard Learned Counsel for the respondent and have gone through the material on record.

8. Perusal of the pleadings reflect that the petitioners are claiming compensation amount, being in possession of the acquired land in question as *gair maursi* (tenant), whereas the respondent is claiming the suit land as *Shamlat Deh* and thus, the Gram Panchayat is owner in possession of the same. Coming to the revenue record, jamabandi Ex.R1 shows the acquired land in question as *Shamlat Deh*. Father of the petitioner no.1 to 5 is shown in the column of cultivator as *gair maursi*.

9. Meaning thereby, the ownership is shown of Gram Panchayat as the land is *Shamlat Deh* and Nihal Singh i.e. father of the petitioners no.1 to 5 is shown in possession being cultivator/*gair maursi*. Admittedly, Nihal Khan has expired. No evidence, whatsoever, has been led by the petitioners to reflect that they are cultivating the land in question or they continued to be in possession of the suit land as *gair maursi* after death of their father Nihal Khan. On the other hand, RW1 Yunus Nambardar has stated that the

petitioners are not possession of the suit land as cultivator or as *gair maursi*. Thus, there is no evidence to reflect possession of the petitioners over the land in question. Mere pleadings are not sufficient to prove the same. There is no explanation as to how and when the petitioners came into possession of the land in question. There is no evidence that the petitioners paid any *batai* of the land in question. There is no clarification as to how and when Nihal Khan or the petitioners were admitted as tenant (*gair maursi*) over the land in question.

10. For apportionment of compensation in respect of the acquired land, where the land was recorded as *Shamlat Deh* in the revenue record, Hon'ble High Court of Punjab and Haryana in the case law cited as *Shankar v. State of Haryana*, RFA No.3247 of 1993 decided on 13-12-2012, observed as under:

“3. There was also an adjudication relating to apportionment for the reference was also under Section 30 when the claimant was contending that the property had been held for several years in possession and as an occupier of the property, he was entitled to be treated as an owner as well. The property had been classified as *shamlat deh* that had stood vested in the Panchayat and therefore, the Reference Court found that even the amount of compensation as determined was not liable for payment to the claimant but the amount was payable only to the Gram Panchayat. I will not again find any

Rashid & Ors. v. Panchayat Deh, Guarka
LAC Case no.85 of 2017

7

error, for the Punjab Village Common Lands (Regulations) Act, 1961 as applicable to Haryana vests the property described as *shamlat deh* falling within the definition of Section 2(g) in the Gram Panchayat under Section 4 of the said Act.”

11. Hence, from the evidence discussed above, the petitioners have not able to show their ownership or legal/authorized possession or cultivating possession being *gair maursi*, over the land in question. None of the petitioners paid any rent/*batai* to the concerned Gram Panchayat for any period nor there is any document executed by the Gram Panchayat, creating tenancy in their favour. Consequently, the petitioners are not entitled to any amount of compensation, in respect of the acquired land and it is the Gram Panchayat, Village Guwarka, Tehsil Tauru, District Nuh i.e. the respondent, which is entitled to the entire compensation amount, being owner of the acquired land in question.

Relief

12. As a sequel to the aforesaid findings, the reference under section 30 of the Land Acquisition Act, 1894 is disposed off and the petitioners are not entitled to any amount of compensation, in respect of the acquired land and it is the Gram Panchayat, Village Guwarka, Tehsil Tauru, District Nuh i.e. the respondent, which is entitled to the entire compensation amount, being owner of the acquired land in question. Counsels’ fee is assessed at Rs.3,300/-.

Rashid & Ors. v. Panchayat Deh, Guarka
LAC Case no.85 of 2017
8

Memo of costs be prepared accordingly. File be consigned to the records after due compliance.

Pronounced in Open Court.
Date of Order: 04.07.2026

(Dr. Rahul Bishnoi)
Additional District Judge
Nuh.

Note: All the eight pages of the award have been checked and signed by me.

Dated: 04.07.2026
Anil Kumar

(Dr. Rahul Bishnoi)
Additional District Judge
Nuh.
UID No.HR0209