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Reserved on 14.02.2019

Delivered on 24.04.2019

Court No. - 58

Case :- WRIT - C No. - 16412 of 2018

Petitioner :- Harish Chandra
Respondent :- Union of India And 5 Others
Counsel for Petitioner :- Ashish Pratap Singh, Jawahar Lal Pandey
Counsel for Respondent :- A.S.G.I.,C.S.C., Satish Kumar Rai

Hon'ble Pankaj Kumar Jaiswal,J.
Hon'ble Dr. Yogendra Kumar Srivastava,J.

(Per : Dr. Yogendra Kumar Srivastava,J.)

1. Heard Sri Jawahar Lal Pandey, learned counsel for the petitioner, Sri Satish Kumar Rai, learned counsel appearing for respondent nos.1 to 4 and Sri Nagendra Kumar Pandey, learned Standing Counsel appearing for respondent nos.5 and 6.

2. By means of the present writ petition, the petitioner has made a prayer for quashing the order dated 15.02.2018 whereby the representation filed by the petitioner pursuant to a direction issued by this Court in *Writ-C No.45244 of 2017 (Harish Chandra Vs. Union of India & 5 Ors.)* was considered by a Committee constituted in terms of an order dated 19.05.2015 passed in *PIL No.11539 of 2015 (Ajit Singh Vs. Union of India & Ors.)*[1] decided on 06.07.2017, and the same has been disposed of. The petitioner has made a further prayer to stop the process of demarcation of the land of gata no.264(M) area 1-9-10 (0.398 hectares) and gata no.265(M) area 6-0 (1.897 hectares) totaling 2.295 hectares, and not to interfere in the peaceful possession of the petitioner on the aforesaid bhumidhari land.

3. Learned counsel appearing for the respondents have drawn

1 2017 (9) ADJ 251

our notice to the fact that the issue relating to encroachment over 482 acres of defence land acquired for air firing and bombing range, Tilpat Range vide notification dated 06.11.1950, was the subject matter of a public interest litigation, *PIL No.11539 of 2015* filed before this Court. The aforementioned PIL along with connected writ petitions filed by certain persons asserting themselves to be purchasers of small pieces of farm land/plots out of the land in question and seeking to challenge the acquisition that took place in 1950 were decided by means of a judgment dated 06.07.2017 by this Court.

4. The factual controversy involved in the present case, as noticed in the judgment in *PIL No.11539 of 2015* and connected matters, is that in the year 1950, by issuing notifications under Sections 4 and 6 of the Land Acquisition Act, 1894[2], land at Tilpat, measuring 4294.38 acres was acquired for the Union Ministry of Defence to develop a Firing and Bombing Range for the Air Force. The land is situate in two States, namely, Haryana and Uttar Pradesh. In these petitions, we are concerned with land measuring 482 acres (for short, 'the land in question') situate in Village "Nagli Nagla" and "Nagli Sagpur", Pargana Dadri, District Bulandshahr, now in district Gautam Budh Nagar, Uttar Pradesh. Out of 482 acres comprising the land in question, 105 acres is situate in Village Nagli Nagla and 377 acres in Village Nagli Sagpur. The notification under Section 4 read with Section 17 of the Act was published on 6 November 1950, whereas the notification under Section 6 was issued on 7 November 1950. Possession was taken over by the Defence Estates Officer, Agra on 23 November 1950, applying the urgency clause under Section 17 of the Act and, as stated by the Defence Estates Officer, the name of the Military Estates Officer (Air Bombing Range) was also mutated in the revenue record.

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2 The Act, 1894

5. It was also taken note of that before handing over possession of the land in question to the Military Estates Officer, Agra Circle, the entire amount towards compensation was deposited with the Collector, Bulandshahr.

6. Upon certain complaints being received with regard to encroachments over defence land at Tilpat in the year 2011, a Committee comprising a team of officers of the Air Force carried out an inspection on 29.12.2011 and made the following recommendations:-

> "In view of the vast encroachment found in the area falling in Distt. Gautam Budh Nagar (UP), it is imperative that immediate remedial measures should be adopted to stop and prevent further encroachment in this area and also to secure the area falling in Distt. Faridabad (Haryana), which is also substantially prone to encroachment due to unauthorized cultivation activities noticed during the visit. The following measures are recommended:
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> (i) DEO, Delhi & Agra and the Air Force authorities must immediately liaise with the offices of DC Bulandshahar, Gautam Budh Nagar and Faridabad to obtain all the available revenue records including the mutation details of the acquired land, across the Yamuna river measuring 482 acres. In case any erroneous mutation is found in the records, remedial action should be initiated without further delay by District Authorities.
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> (ii) Letters be issued to DC Bulandshahar, Gautam Budh Nagar and Faridabad to not to permit sale transactions of the Defence land falling under the jurisdiction of their districts and copies be endorsed to the Revenue Secretaries of both the States.
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> (iii) The balance vacant portion immediately should be secured through active presence of Air Force personnel.
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> (vi) As an immediate deterrent measure, boards should be displayed about ownership of land at prominent points/road junctions.
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> (v) Land under unauthorized cultivation must be got vacated by initiating immediate action through active presence of Air Force personnel on such sites/cultivated land. Further attempts to encroach/unauthorisedly cultivate/plotting must be sternly dealt with.

(vi) A joint demarcation should be undertaken by District Revenue Authorities, Air Force Authorities and concerned DEO Circles and after completion of joint demarcation of Defence land, Air Force authorities should get the area fenced/boundary-walled. However, pending sanction for fencing/boundary-wall, appropriate trench may be dug along the boundary of Defence land during demarcation immediately."

7. The facts with regard to the encroachments made on the defence land were duly noticed by this Court in its order dated 19.05.2015 passed in *PIL No.11539 of 2015* and connected matters, which are as under:-

"The material which has been placed on the record, indicates that valuable land which was acquired for the purposes of the IAF as far back as in 1950 against the payment of compensation has been allowed to be frittered away. How land acquired for an Air Bombing range for the IAF can vanish into thin area defies explanation and stretches the limits of credulousness. The revenue authorities of the State have conveniently taken the stand that maps and records pertaining to the lands are not available. Until this Court was compelled to intervene in the present proceedings on the basis of the PIL, the matter had merely rested in an exchange of correspondence between the Defence Estates Officer and the authorities of the State. As a result of this sorry state of affairs, land which has been acquired for the benefit of the IAF, it appears, has been permitted to be dealt with by unscrupulous third parties to the detriment of the defence forces.

Faced with this situation, we are of the view that it would be necessary to constitute a team which shall monitor the entire exercise of demarcating the lands, and taking all necessary precautions to safeguard the interest of the IAF by ensuring due correction of the revenue records including, where necessary, by taking steps to challenge the orders of the revenue authorities which have caused detriment to the interests of the Air Force. Accordingly, we constitute a team of the following officers:

(i) A nominee of the Commanding Officer of the Indian Air Force Station at Hindon, not below the rank of Group Captain;

(ii) The Defence Estates Officer, Delhi Circle;

(iii) The Director, Survey of India at Lucknow; and

(iv) The Collector and District Magistrate, Gautam Budh

Nagar.

We direct that the Chairman of the Board of Revenue of the State of Uttar Pradesh shall personally monitor the matter and shall ensure that all necessary cooperation is extended to the Committee in locating records and maps and making available all necessary information and material that would be required by the Committee to pursue and protect the interest of the Indian Air Force."

8. Pursuant to the aforementioned directions, a report dated 25.07.2015 was submitted by the Committee constituted by the Court and the progress of work and course of action were summarized in the report as under:-

"33. In summary, so far, the following has been achieved-

(a) Records of some portion, measuring 161.4375 acres (258-6-0 bigha, 65.33 hectares) of village Nagli Sagpur has been recovered from Faridabad.

(b) A photocopy of village map of Nagli-Nagla has been located. This map is scripted entirely in Urdu, and needs translation for clear assimilation.

(c) Record of 141-10-0 bigha land in the name of Air Bombing Range has been located; also, the order of SDM Khurja mutating 15-0-0 bigha od same village (thereby reducing the land area further to 126-10-0) has been located. Both these documents were relevant to the filing of application at the Court of Commissioner, Meerut for annulment of the SDM's order.

(d) Application for annulment of SDM's order dated 23.09.1971 has been filed at Meerut on 24 Jul 15. The counsel has provided legal advice that it is correct to file the appeal in the court of SDM Sadar, Gautam Buddh Nagar, and not at the court of Commissioner, Meerut. This will now be done in the forthcoming week.

(e) The revenue maps of nine villages of Haryana that comprise the Tilpat Air Range have been digitised on CAD, using the help of Ground Control Points sourced from Survey of India for correcting the GPS Coordinates during survey. The composite map by mating these villages is ready. An analysis of a pre-acquisition aerial photograph has provided the corner points of the range-area, as it would have been acquired. Comparison of the digitised revenue map and the analysis of the pre-acquisition photograph is being done.

34. The following future course of action are planned:

(a) Follow-up of the para 229 (b) action of UP ZA&LR Act (1950) to annul the order of SDM Khurja dated 23.09.1971.

(b) Once the analysis of pre-acquisition aerial photograph and the digital village maps are compared by Survey of India, and corner points plotted, these would be translated to ground, to identify corners in the portion of villages Nagli-Nagla and Nagli-Sagpur.

(c) On the basis of map of acquired land (complete 105 acres) of village Nagli-Nagla dated 1967, demarcation of the complete portion to identify the location of the 26-10 bigha that was washed-off in 1964, and the 15-10-0 bigha that has been mutated to Munni Lal and another in 1971.

(d) Use all available means to demarcate the map of village Nagli Sagpur as received from Faridabad, and identify it's lay with respect to the other village lands (Tilpat Air Range).

35. It is suggested that the joint panel of officers works under the mentorship of the Chairman, Board of Revenue, State of Uttar Pradesh."

9. An Action Taken Report was also placed on record which had been prepared after a survey of villages Nagli Sagpur and Nagli Behrampur, based on the available revenue maps of the year 2007, was conducted by the Survey of India on 7-9.10.2015. The complete length of the State boundary between Haryana and Uttar Pradesh, where defence land of the Tilpat Air Range exists, was demarcated on the basis of the Survey of India Open Series Map (OSM) (scale 1:50,000, Map-Sheet Number OSM H43X7, printed in 2012). The relevant portion of the aforesaid report dated 13.10.2015 is as under:-

“14. Having confirmed the state-boundary and the boundary between Chak Mangraula and the other villages on its west, the defence land of Tilpat Air Bombing Range comprising of 482 acres is understood to encompass the entire portion of Nagli-Sagpur and Nagla-Behrampur as they exist today, and a portion of Nagli-Nagla. The recent demarcation by the Survey of India has also proven that a certain portion of the estate of 482 acres has already been acceded to Haryana during the settlement of boundaries by Dixit Award 1983-84. The discrepancy in area is yet to be reconciled on ground.

15. The application for restoration of 26-10 bigha land of Nagli-Nagla which was reduced by order of the SDM in 1964,

> and resumption of 15-0-0 bigha land which was wrongly mutated in 1971 by order of SDM Khurja are still pending disposal at the Court of SDM, Gautam Buddh Nagar. Notices were issued by the SDM, and responses have been received on 09.10.2015.
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> Conclusion:
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> 16. Progress of the team of officers over the land five months has been steady and sure. The presence of the team from Survey of India provided adequate confidence in the other respondents, regarding the correctness and authenticity of survey of state and village boundaries undertaken. The digitisation of village maps by Computer-Aided Design (CAD) along with Geographic Information System (GIS) tools and superimposing them on topographical sheets has been of immense value in the reconstructive process/analysis."

10. It is undisputed that during the course of demarcation proceedings, all parties were given notice and they were present and nobody raised any dispute in respect of demarcation undertaken by the committee with the help of the Survey of India Team.

11. On 28.01.2016, the following directions were issued in the then pending *PIL No.11539 of 2015*:-

> "...At this stage, several private parties have intervened in the proceedings before the Court and the Court has been informed that while there may be no objection in regard to the work of demarcation which has been carried out, the real claims are in regard to whether the lands in respect of which the private parties claim some interest, fall within the demarcated land for the Indian Air Force.
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> During the course of the hearing, we have had the benefit of hearing a presentation by Group Captain Ludra on the request of the learned Additional Solicitor General of India. In our view, the ends of justice would be met if the same Committee is directed to furnish copies of the two affidavits containing the reports, to the learned counsel for the private party-intervenors. The Court has been informed by the Additional Solicitor General that this has been done. Hence, we permit the intervenors to file their objections before the Committee within a period of one month from today. The Committee shall enquire into the objections and after considering the objections through a personal hearing, submit its findings

before this Court to enable us to pass consequential orders in these proceedings."

12. Objections were invited by the Committee from all concerned by publishing notices in daily newspapers published from the National Capital Region on 10.02.2016 and 18.02.2016, and several persons including the petitioners of the writ petitions connected with the PIL aforesaid also submitted their objections/applications. Thereafter the parties were given due opportunity of hearing on 15.03.2016 and a spot visit to identify the location of the properties of all applicants who had provided details of land records, was undertaken jointly along with the team on 19.03.2016 and the Committee submitted its report on 28.01.2016 giving details of the applications received and the findings on each application.

13. The observations made by this Court during the course of hearing of the PIL and connected matters, in respect of the land in Village Nagli Nagla, with which we are concerned in the present case, are as follows:-

"A total area of 168 bigha pukhta land was acquired for the purpose of an Air Force Bombing Range. The affidavit of the Chairman, Board of Revenue records that, at present, only 126-15-00 bigha pukhta land is recorded in the name of the Air Force. On 31 March 1964, an order is stated to have been passed by the Sub Divisional Magistrate, Khurja, Bulandshahr directing that an area of 141-10-00 bigha pukhta be recorded in the name of Air Force pertaining to Khatauni 1370-71 fasli. In pursuance of the order, an area of 141-10-00 bigha pukhta has been recorded in place of the original 168 bigha pukhta in the name of Air Force Bombing Range. A total area of 26-10-00 bigha pukhta was reduced during the course of consolidation operations. How such a vast area of land was reduced during the course of consolidation operations requires some explanation. Thereafter, out of Gata No 287, a further area of 15 bigha pukhta was recorded in the name of one Munni Lal on the basis of an order dated 23 September 1971 passed by the Sub Divisional Magistrate, Khurja, Bulandshahr, in a proceeding under Section 229-B of the U P Zamindari Abolition and Land Reforms Act, 1950. Hence, at

present, only an area of 126-15-00 is stated to be recorded in the revenue records in the name of Air Force Bombing Range.

x x x x x

Immediate steps have to be taken in respect of the lands which have been acquired for the purposes of the IAF in village Nagli Nagla. These include:

(i) The work of demarcation and of locating and fixing boundary pillars has to be completed at the earliest possible date and within a period of two months since the Court has been informed that coordinates have been sought from the office of the Director, G&RB, Dehradun;

(ii) IAF authorities and the Defence Estates Officer (Delhi Circle) must take immediate steps to investigate into the circumstances in which the Sub Divisional Magistrate, Khurja Bulandshahr passed orders on 31 March 1964 directing that an area of 141-10-00 bigha pukhta be recorded in the name of the Air Force pertaining to Khatauni 1370-71 fasli and on 23 September 1971 by which 26-10-00 bigha and 15 bigha out of the acquired land were reduced from the total holding of the Air Force. Necessary action would have to be initiated to pursue the remedies available in law, for safeguarding the interest of the Air Force and for the correction of revenue records. The affidavit which has been filed by the Chairman, Board of Revenue states that the Air Force authorities have already been directed to take legal recourse before the Commissioner, Meerut Division; and

(iii) In the event that there are encroachments on the land which has been acquired, necessary action would have to be taken in accordance with law for safeguarding the interest of the Air Force by dealing with encroachments on an expeditious time frame."

14. The claims raised by the petitioners in the connected writ petitions were examined at length by this Court, and a synopsis based on the pleadings and the contentions/arguments advanced on their behalf, was recorded as follows:-

"(i) The process of acquisition of private land for a public purpose under Section 4 read with Section 17 (1) of the Act although initiated in 1950, was not taken to its logical conclusion apart from the fact that a mandatory notice under Section 9 (1) of the Act was not given nor any compensation to the owners of the land was paid or physical possession of the land ever taken from its owners. In this backdrop and in view of the provisions of Section 24 (2) of the Act, 2013, the land acquisition proceedings initiated in 1950 under the

provisions of the Act, have lapsed.

(ii) The respondents do not have any legal right, title and authority in law to dispossess the petitioners from their legally owned land by use of force or without complying with the due process of law.

(iii) The "handing and taking over certificates" dated 23.11.1950, relied upon by the respondents are not only fabricated documents but they are not adequate to claim that the acquisition was complete.

(iv) The petitioners acquired right, title and interest in the farm lands/plots by virtue of registered sale deeds. The respondents who claim these lands/plots, cannot do so unless they challenge the sale deeds and get them set aside.

(v) Reliance was also placed on the affidavit of the Collector, Gautam Budh Nagar, wherein, according to the petitioners, he has admitted that there is no land recorded in the name of the Air Force Bombing Range in the revenue record in village Nagli Sagpur.

(vi) The land belonging to the petitioners are not a part of the said acquisition in 1950 nor were those lands/plots ever acquired in accordance with law. The petitioners purchased the lands/plots through registered sale deeds with due diligence, and after carrying out verifications, inquiries and that they are thus bona fide purchasers and cannot be dispossessed by the respondent authorities.

(vii) No khasra numbers, insofar as lands purportedly acquired from village Nagli Sagpur, were mentioned in the notification and, on this ground alone, the acquisition deserves to be set aside. It was submitted that even if the case of acquisition is held to be true and correct, the fact remains that the acquired land was never put to any active use or was ever tended to by the Air Force.

(viii) The notifications under Sections 4 and 6 show that village Nagli Sagpur was situated in the District of Bulandshahr in 1950, whereas the ARO of District Gautam Budh Nagar, in his affidavit, has stated that village Nagli Sagpur was transferred to the State of Uttar Pradesh in 1984 in view of the Dixit Award. So, how was the Collector, Bulandshahr competent to transfer the said land, when it was a part of Haryana and not Uttar Pradesh.

(ix) The "handing and taking over certificate", on which heavy reliance is placed by the Air Force, does not mention the exact area and khasra number of the land in Nagli Sagpur.

(x) An endeavour was also made to demonstrate, on the basis of relevant provisions of the Act, that no procedure as contemplated thereunder was complied with scrupulously and

on this ground also, the acquisition deserves to be set aside.

(xi) The petitioners are registered legal owners/bhumidhars in possession and use with transferable rights over the property in their possession."

15. The facts with regard to the manipulation and fabrication of entries in course of preparation of the revenue records of the villages in question were duly taken note by this Court in its order dated 06.07.2017 in the PIL and in the connected matters, in the following terms:-

"22. From the material that has come on record, the pleadings, contentions urged on behalf of both the sides, different reports submitted by the revenue authorities, as also of the Committee constituted by this Court vide order dated 19 May 2015, it is clear that large scale manipulation and fabrication of entries in the course of preparation of the record of villages Nagli Sagpur and Nagli Nagla appears to have taken place. It also appears that the maps of the villages were also fabricated by the revenue officials. Original maps are not available in respect to village Nagli Nagla, which had been acquired for the benefit of the defence authorities. It is clear from the reports, which have been prepared by the Committee as well as the revenue officials, that the land has been illegally dealt with, encroached and trespassed upon, and the revenue authorities of the State, in respect of most of the land, have taken the stand that maps and records pertaining to the land in question are not available. Moreover, the Air Force/Defence Estates Officer, permitted or conveniently allowed land grabbers to encroach/trespass upon the land in question to the detriment of the defence forces. Unfortunately, after the acquisition was complete in 1950 itself and the possession was taken by the Air Force after payment of compensation, a complete apathy was shown by them towards protection of the land in question, which gave ample scope not only to land grabbers/unscrupulous elements of society but even the revenue officials to manipulate and fabricate entries while preparing the record of these villages.

22.1 That, however, by itself, it was submitted on behalf of the Air Force/Defence Estates Officer, is not sufficient to oust the Air Force/defence authorities from the land in question and confer title upon encroachers/trespassers, even if it is assumed that they are all bona fide purchasers of the land. It is the submission of the learned ASG that their remedy is against their vendors. Even the Air Force/Defence Estates Officer are not aware as to when the act of land grabbing or

encroachment of the acquired land of the defence had initially taken place, nor have the petitioners brought anything on record to show that who was/were the original owners of the farm land purchased by them and how they acquired title over the said property. Even in the case of Nagli Nagla, where the land has been purchased by the petitioner in person, in the leading writ petition (Writ-C No 41653 of 2015), it is not clear who was the original owner of the khasra in which he acquired the farm land. These facts, according to the Air Force/Defence Estates Officer support their case that all the petitioners are trespassers/encroachers.

23. It is clear that out of 482 acres of land in the State of Uttar Pradesh, that was acquired to develop a Firing and Bombing Range for the Air Force at Tilpat Range, 105 acres of land is situated in village Nagli Nagla and 377 acres of land is situated in village Nagli Sagpur. It is true that, in the notifications under Sections 4 and 6 of the Act, khasra numbers were not mentioned, insofar as the lands in Nagli Sagpur are concerned. In view thereof, the contentions urged by learned ASG assumes importance. It was submitted that insofar as the lay out of the Air Bombing Range is concerned, superimposition of the blueprint of the proposed lay out dated 17 January 1950 and the aerial photograph dated 10 January 1950 was done to ascertain the exact location of the acquired area/land. From the record, it appears that an exercise of analysing pre-acquisition aerial photographs and the digital village maps was undertaken by the Survey of India to identify the acquired land. Similarly, composition of the digital revenue map and analysis of the pre-acquisition map/photographs done by the Survey of India, further helped in verifying the exact location of the acquired land on the map. In short, the blue-print map prepared in 1950 (17.01.1950) of the Air Bombing Range and aerial photographs taken on 10.01.1950 give a clear picture of the land in question, so as to pinpoint and identify the exact location of the acquired area not only in Haryana but also in Uttar Pradesh. On the basis thereof, it appears that a major portion of the land in Uttar Pradesh, forming approximately 482 acres in 1950 was in the river Yamuna and, therefore, it was not likely to be farm land, or owned by any person or having any khasra numbers. In other words, the land was not owned by any individuals and, therefore, no names were appearing in the record of rights in 1950-51 when the land in Nagli Sagpur was acquired. Insofar as the land situated in village Nagli Nagla is concerned, in April 2015, the revenue office of Gautam Budh Nagar had undertaken demarcation on the basis of the revenue records showing clear title in favour

> of the Air Force authorities and describing it as an Air Bombing Range. This portion forms part of the northern boundary of the acquired land. Similarly, in case of Nagli Sagpur, the land situated therein has also been demarcated and it has been found that the petitioners are in possession of small pieces/farm lands over which they have developed farms and constructed farm houses. We also find substance in the submission made on behalf of Air Force/Defence Estates Officer, that they would place all these materials in support of their contentions in the eviction proceedings under the Act, 1971 or in the civil suits filed by the petitioners."

16. As regards the land situate in Village Nagli Nagla, it was noticed that in April 2015 the Revenue Office of Gautam Budh Nagar had undertaken demarcation on the basis of the revenue records showing a clear title in favour of the airport authorities and describing it as an air bombing range, and the said portion formed part of the northern boundary of the acquired land.

17. Further observations made in the judgment in respect of the land situate in Village Nagli Nagla are as follows:-

> "24. …Insofar as the land situated in village Nagli Nagla is concerned, it appears that the lands were owned by individuals and the proceedings of acquisition were initiated against them, which came to be concluded by the passing of an award and, as stated on affidavit, even compensation was paid to the landowners. We also find force in the submission of learned ASG, in respect of the land in village - Nagli Nagla, that if the claim of the petitioners was correct, then the landowners would not have kept quite for decades and they would have certainly come forward to seek compensation. Counsel for the petitioners could not and did not place any materials on record to show as to who were the owners of land situated in village Nagli Nagla and Nagli Sagpur in 1950-51. It is also not in dispute that at no point of time, though those lands, according to the petitioners of village Nagli Nagla, were in possession of tenure holders, none of them ever approached either the concerned authorities or any court for either challenging the acquisition or seeking compensation of the acquired lands. This supports the contention urged on behalf of the Air Force/Defence Estates Officer, that the acquisition was complete in all respects, and therefore, none of the landowners made any grievance about it at any point of time."

18. It was also noted that no details had been disclosed or brought on record by the petitioners that the land had not been acquired in the year 1950 in accordance with law, and, therefore, the air force could not claim the said land. The Court also recorded that the petitioners had not been able to show the source of the title and that it would not be possible to accept that they were legal owners of the land in the light of the material which was brought on record. On the other hand it was noticed that the notification and the declaration under Sections 4 and 6 of the Act, 1894 had come on record so as to show that the award had been passed, possession was taken and compensation had been paid, in so far as the Village Nagli Nagla was concerned. Accordingly, it was held that the petitioners were trespassers/encroachers and the writ petition at their behest was not maintainable. It was also noted that merely because there were certain sale deeds in favour of the petitioners the same did not mean that they had become owners. If the original source of title itself was defective the documents such as the notifications under Section 4 and the declaration under Section 6 and the possession certificates could not be overlooked and they clearly supported the allegation of the encroachment/trespass.

19. As regards the assertion in respect of possession made by the petitioners in the writ petitions which were decided with the PIL, this Court made the following observations:-

> "26.1. ...Petitioners have not placed any material to show who were the original owners, and on what basis they state that possession was not taken from the original owners and the compensation was not paid. It is clear from the facts and the material placed on the record that the acquisition was complete in 1950 itself. Not only were all stages under the provisions of the Act complied with but even the possession was taken by the Defence Estates Officer/Air Force and none of the original owners ever made any grievance in respect thereof till today. Petitioners, except for the bald averments made in the writ petition, have not brought any material on

record to show that the acquisition was either not complete or compensation not paid and possession not taken. That apart, none of the original owners have come forward making such a grievance. The petitioners, who are purchasers of the land in their possession between 2009 and 2013, decades subsequent to the notification under Section 4 and declaration under Section 6 of the Act, without bringing any material on record to show as to how their vendors acquired right, title and interest, have relied upon this judgment. The principles/ratio laid down by the Supreme Court thus is of no avail to trespassers/encroachers and/or the purchasers of the land subsequent to the notification under Sections 4 and 6 of the Act...

x x x x x

27.2 In the present case, the petitioners came into possession over the farm lands between 2007 and 2013, whereas the acquisition notifications were issued in 1950. This itself shows that the possession of the petitioners is as encroachers and an encroacher cannot have any right, title and interest over the encroached property. However, during the continuance of possession over the property, an encroacher may have obtained the record from the revenue authorities showing his possession but that possession would not entitle him to claim ownership. We are making such an observation in view of the fact that the petitioners have admittedly purchased these lands 60 years after the acquisition stood completed and they thus could not have acquired any right, title or interest on the basis of their possession and the sale deeds executed in their favour. The petitioners have further failed to bring any material on record to even prima facie show that the petitioners' vendors had title over the property.

x x x x x

27.4 In *B Saraswathi & 8 Ors Vs Tahsildar Poonamallee Taluk, Thiruvalur District, 1998 WLR 181*, the petitioners therein admitted that they were in possession of Government land and that they did not claim that they came into possession on the basis of consent by the Government. They were thus treated as rank trespassers a factual position which was evident from their own admission. Even though they claimed to be in possession for the last more than 20 years, their legal status was held to be only as trespassers. The learned Judge held that after entering into another man's land, in this case Government land, the trespassers themselves claim writ jurisdiction and claim equity in their favour though they have no legal right and declined to grant relief to the petitioners following the judgment of the Calcutta High Court. The

learned Judge followed the decision of the Supreme Court in *A P Christian Medical Educational Society Vs Government of Andhra Pradesh, AIR 1986 SC 1490* and *Chief Secretary & Ors Vs Mathai Kuriya Kose & Ors, AIR 1989 Ker 113* in refusing the relief of mandamus at the hands of trespassers.

27.5 From a perusal of the judgment of the Supreme Court, it is clear that a trespasser or encroacher is a person who enters or remains upon land in the possession of another, without a privilege to do so being created or conferred by the possessor's consent or otherwise. Thus, every unlawful entry by one person on land in possession of another is trespass for which an action lies. In the present case, the petitioners have taken advantage of the extent of land, the purpose of acquisition, attitude of the Air Force or apathy shown by them to protect the land, frequency of the use of land having regard to the purpose of acquisition, and the attitude of the local revenue officials. All this made it convenient for them to enter and remain upon the land in possession of the Air Force, may be on the basis of sale deeds executed by persons who did not have any right, title or interest. Merely because one enters the land, after execution of a sale deed, does not mean that he acquires a valid title to the property..."

20. The claims of the petitioners in the writ petitions connected with the PIL on the basis of certain sale deeds and entries in revenue records were repelled by this Court in the following terms:-

"32. We would also like to consider the contention urged on behalf of the petitioners that the revenue record supports their claim of ownership/title. It is well settled that a revenue record is not a document of title. It merely raises a presumption in regard to possession. Presumption of possession and/or continuity thereof both forward and backward can also be raised under Section 110 of the Evidence Act. *(See Gurunath Manohar Pavaskar & Ors Vs Nagesh Siddappa Navalgund & Ors, AIR 2008 SC 901)*. In the instant writ petitions, the question of acting on such a presumption does not arise in view of the peculiar facts and circumstances of the case and in view of the findings on questions of fact recorded so far which clearly show that large scale manipulation and fabrication of entries in preparation of record of rights of both the villages had taken place and that too in collusion with the revenue officials. It is also well settled that possession may prima facie raise a presumption of title. No one can deny this but a presumption can hardly arise

when the facts are known. When the facts disclose no title in either party, possession alone decides. *(See Nair Service Society Ltd Vs K C Alexander & Ors, AIR 1968 SC 1165)*. Reliance placed on Section 110 of the Evidence Act is misplaced because the petitioners, in the facts and circumstances of the case, as noticed so far, cannot claim title to the property in dispute. Presumption under Section 110 of the Evidence Act, which is rebuttable, is attracted when the possession is prima facie lawful and when the contesting party has no title. *(See Chief Conservator of Forests, Govt of A P Vs Collector & Ors, AIR 2003 SC 1805)*. Thus, in the present case, prima facie, it cannot be stated that the petitioners have title in the property in their possession. We may also usefully refer to the legal maxims : Nemo dat quid non habet (no one gives what he has not got); and nemo plus juris tribuit quam ipse habet (no one can bestow or grant a greater right, or a better title than he has himself).

32.1 Having noticed the legal status of the petitioners in the backdrop of the judgments referred to in the earlier paragraphs and the facts which stand established on the record, we proceed to consider the issue whether the petitioners can claim any relief or title for that matter only on the basis of the fact that they came to hold and possess the land on the basis of sale deeds which were duly registered. This question is no more res integra and has been answered in several judgments of the Supreme Court. It is well settled that mere registration of a document does not confer title on the vendee/alienee. In other words, registration of a document per se does not create any new title and the same is governed by the principles enunciated by the maxim Nemo Dat Quad Non Habet, i.e. no person can transfer a better title than what he possesses in the property so transferred. Mere registration of a conveyance deed cannot come in the way of the government in asserting its right, and title to the land, and claim the property back, in accordance with law. *[See Full Bench judgment of the High Court at Hyderabad authored by one of us, Dilip B Bhosale, CJ, in Vinjamuri Rajagopala Chary & Ors Vs Principal Secretary, Revenue Department, Hyderabad & Ors, 2016 (2) ALD 236]*. In this connection, we may also refer to the judgment of the Supreme Court in *Government of Andhra Pradesh Vs Thummala Krishna Rao, (1982) 3 SCR 500*. In this case, while dealing with the Andhra Pradesh Land Encroachment Act, 1945, the Supreme Court has laid down that the summary remedy for eviction provided by Section 6 of the said Act could be resorted to by the Government only against persons who are in unauthorised occupation of any land which is the property of the Government and if the

person in occupation has a bona fide claim to litigate he could not be ejected save by the due process of law and that the summary remedy prescribed by Section 6 was not that kind of a legal process.

33. Based on these principles of law, in our opinion, the petitioners have absolutely no right to seek any benefit under the provisions of the Act or to challenge the acquisition on the ground that the procedure as contemplated under the Act was not followed or complied with. In these proceedings, petitioners cannot claim any right, title and interest in the property in their possession. The petitioners are encroachers/trespassers and that being so, they cannot be treated as "persons interested" in the property in dispute. If the right of a trespasser in such a situation is either accepted or recognized, then no proceedings under the provisions of the Act would ever get concluded. As observed earlier, none of the petitioners has produced any document to substantiate their plea that they have right, title and interest in the property. In other words, they have not produced any document on record to show that they are the purchasers of the properties in their possession from the original land owners who did not either receive compensation or had not lost possession after the acquisition was complete in 1950-51 itself or from the legal owners of the properties as they existed at the time of issuance of the acquisition notifications. None of the original land owners, as observed earlier, has come forward, claiming either compensation or challenging the acquisition that was initiated and completed in 1950-51."

21. It was also taken note of that once the acquisition proceedings had been completed and the land had vested absolutely in the Government free from all encumbrances, the consequence thereof was that the right, title and interest in the land stood extinguished and all such rights had vested in the State Government free from all encumbrances. Consequently, the petitioners in the writ petitions connected with the PIL who had been held to be trespassers/encroachers, were held to have no right or title in the land.

22. The final order dated 06.07.2017 made in *PIL No.11539 of 2015* and connected matters and the directions issued in terms of the said order are as follows:-

“40. In the result, Public Interest Litigation (PIL) No 11539 of 2015 is allowed in terms of this judgment, Writ-C No 13666 of 2016 is disposed of as rendered infructuous, and the connected writ petitions, except Writ-C No 7067 of 2017, are dismissed. Writ-C No 7067 of 2017 is allowed insofar as petitioner nos 1 and 4 are concerned and is dismissed insofar as the remaining petitioners are concerned.

41. While parting, we issue the following directions:
(i) The Committee that has been constituted vide order dated 19 May 2015 (for short, "the Committee") shall continue to monitor the proceedings already instituted and that would be instituted in respect of the land in question before all forums and shall take all steps and/or to issue appropriate directions to the officials, who are in charge of any such litigation, that are necessary to ensure that litigation that may ensue is neither neglected nor remains uncontested, or suffers for want of proper attention.

(ii) The Committee shall also take steps for immediate correction of land records; preparation of village maps; and, if they find it necessary, initiating appropriate disciplinary as well as penal action under the criminal law against errant officials of the State Government as well as Defence/Air Force officers and any other person for that matter.

(iii) The Chairman of the Board of Revenue of the State of Uttar Pradesh shall personally monitor the matter and shall ensure that all necessary cooperation is extended to the Committee in locating records and maps and making available all necessary information and material that would be required to pursue and protect the interest of the Indian Air Force.

(iv) In order to facilitate the work which is being carried out by the Committee, the Commanding Officer of the Air Force Station and/or the Defence Estates Officer shall coordinate with the Chairman of the Board of Revenue. We hope and trust that both the authorities shall work in close coordination, so that necessary directions can be issued to the concerned officials to facilitate the work of the Committee and to ensure that all necessary steps are taken for protecting the interest of the Indian Air Force/Union Government in the acquired land.

(v) The Committee shall also issue appropriate directions from time to time to all concerned for getting back the possession of the encroached portion of the land, out of the acquired land, from the encroachers/trespassers/petitioners by following due process of law.

(vi) The Collector and District Magistrate, Gautam Budh

> Nagar is directed to see that every requisition made by the Defence Estates Officer or any other officer of the Defence/Air Force, if any, or made by the Committee is immediately complied with.
>
> (vii) It is open to the Committee to launch criminal prosecution, whenever and wherever they find it necessary, not only against the errant officers but even the encroachers, if they so desire and are so advised."

23. Pursuant to the directions issued in terms of the aforementioned order dated 06.07.2017, the representation of the petitioner was examined by the Committee constituted in terms of the order dated 19.05.2015 passed in the PIL aforesaid and upon considering the facts and the material on record it was disposed of on 15.02.2018 by observing that the land bearing gata no.264M, area 0.398 hectares and gata no.265M, area 1.897 hectares i.e. total 2.259 hectares wherein the petitioner claimed to be recorded as bhumidhar of transferable rights, was in fact part of the land which had been acquired for the air bombing range, and the petitioner was in illegal occupation over the same. In this regard the Committee also took note of its earlier report dated 26.03.2016 wherein also the petitioner's objections had been considered in the following terms:-

> "The applicant's title to plot measuring 0.328 hectares lies within the portion of 126-10-0 bigha of village Nagli Nagla demarcated by the revenue department in April 2015."

24. The principal grounds raised by the petitioner to challenge the aforementioned disposal of his representations on 15.02.2018 are that he is recorded bhumidhar in respect of the land in question, and that the said land was not included in the acquisition proceedings initiated terms of notification issued in the year 1950, and that he has regularly paid land revenue in respect of the said plots and accordingly the order dated 15.02.2018 is illegal.

25. Learned counsel appearing for respondent nos.1 to 4 places reliance upon a short counter affidavit filed by the said respondents to submit that the Committee constituted pursuant to the directions of this Court vide order dated 19.05.2015 passed in the public interest litigation and connected matters initiated proceedings to remove the encroachments of encroachers from the identified land of 126-10-0 bigha of Village Nagli Nagla as per demarcation carried out and submitted before this Court in *PIL No.11539 of 2015*.

26. In the aforesaid affidavit, referring to the report of the Committee it has been stated as follows:-

> "(a) The applicant has provided details of ownership of land measuring 0.328 hectares in Khasra No. 264(M) and 2.295 Hectares in Khasra No. 265 (M) in Nagli Nagla.
>
> (b) The applicant was not present to argue /present his objections.
>
> (c) The committee remarked that "The applicant's title to plot measuring 0.328 hectarers lie within the portion of 126-10-0 bigha of Village Nagli Nagla demarcated by Revenue Department in April 2015."

27. It is further submitted that pursuant to the directions issued by this Court in *Writ-C No.45224 of 2017* decided on 21.09.2017 and also the directions of this Court issued vide order dated 19.05.2015 in *PIL No.11539 of 2015*, the representation of the petitioner was duly considered by the Committee on 15.02.2018, and opportunity of personal hearing was given to the petitioner and his sons who were present and after due consideration of the facts and the material on record the order has been passed by the Committee. It is also submitted that a perusal of the documents submitted by the petitioners revealed variation in the area of land between the two representations filed by the petitioner. The difference between the two representations as enumerated in the affidavit of

respondent nos.1 to 4 are as follows:-

> "1. In the year 2016, the petitioner had claimed land measuring 0.328 hectares in Khasra No.264(M) and 2.295 hectares in Khasra No.265(M) in Nagli Nagla in representation dated 21 November 2017, they have claimed 0.398 hectares in Khasra No.264(M) and 1.897 hectares in Khasra No.265(M).
>
> 2. During personal hearing held on 15 February 2018 in the Office of Gautam Budh Nagar, the petitioner's three sons present could not provide any details/clarify with respect to difference in their representation when asked."

28. It was also submitted that despite adequate opportunity, the petitioner failed to provide any substantive material evidence suggesting title of ownership in respect of 0.328 hectares of land in question before the Committee, and as such the order dated 15.02.2018 in terms of which he has been held to be an unauthorized occupant of the land measuring 0.328 hectares lying within the portion of the 126-10-0 bigha of the Village Nagli Nagla demarcated by the Officer of the Revenue Department in the month of April, 2015, suffered from no illegality.

29. Respondent nos.1 to 4 have also placed reliance upon an affidavit dated 07.02.2019 filed by the said respondents wherein reference has been made to a report dated 24.04.2015 submitted on behalf of the State Government after demarcation proceedings conducted by a joint revenue team, and comparative tables of the old and new khasra numbers as provided by Assistant Revenue Officer, Gautam Budh Nagar vide letter no.692/स/अ/अ dated 04.08.2015 have been placed on record, and on the basis of the same it has been submitted that the land bearing gata no.264(M) measuring area 1-0-0 bigha is part of khasra no.246, which in turn was notified for acquisition in terms of land acquisition notification dated 05.11.1950 issued under Section 4 of of the Act, 1894 and also the declaration

dated 07.11.1950 issued under Section 6, and as such the same forms part of the air bombing range.

30. On the aforementioned basis the respondents have submitted that the petitioner is in illegal occupation over an area of 1-0-0 bigha of air force under khasra no.264(M). The comparative tables which have been placed on record as part of the affidavit are as follows:-

	At the time of Acquisition		***After Change of Record***	
Sl. No.	***Old Khasra No.***	***Land Measurement (Bigha)***	***New Khasra No.***	***Land Management (Bigha)***
1	*232*	*6-0-0*	*248*	*50-0-0*
2	*246*	*42-0-0*	*264*	*1-0-0*
3	*247*	*11-0-0*	*266*	*30-0-0*
4	*248*	*7-0-0*	*287*	*15-0-0*
5	*249*	*30-0-0*	*288*	*6-0-0*
6	*250*	*50-0-0*	*290*	*13-0-0*
7	*251*	*1-0-0*	*291*	*6-0-0*
8	*270*	*15-0-0*	*292*	*20-0-0*
9	*271*	*6-0-0*		
	Total	***168-10-0***	***Total***	***141-10-0***

New Khasra numbers with reduced land holdings		
Sl. Nos.	***Khasra No.***	***Land Measurement (Bigha)***
1	*248*	*50-0-0*
2	*264M*	*1-0-0*
3	*266M*	*30-0-0*
4	*288M*	*6-0-0*
5	*290*	*13-0-0*
6	*291M*	*6-0-0*
7	*292M*	*20-0-0*
	Total	***126-10-0***

30. Learned Standing Counsel appearing for respondent nos.5 and 6 has placed reliance upon the counter affidavit dated 22.11.2018 and also upon a report dated 24.04.2015 of the joint

revenue team constituted in terms of the directions in *PIL No.11539 of 2015* to assert that the land over which the petitioner claimed possession being an area of 1-0-0 *pukhta* bigha of gata no.264(M) comes within the acquired area for the air bombing range.

31. From the material on record it is evident that the representation of the petitioners was duly examined by the Committee constituted vide order dated 19.05.2015 and it has been held that the land bearing gata no.364M area 0.398 hectares and gata no. 365M area 1.897 hectares i.e. total area 2.259 hectares, over which the petitioner claims to be recorded as bhumidhar with transferable rights was in fact part of the land which had been acquired for the air bombing range and the petitioner was in illegal occupation thereof. It was further held that the petitioner's claim to title is in respect of the plot measuring 0.328 hectares which lies within the portion of 126-10-0 bigha of Village Nagli Nagla demarcated by the Revenue Department in April 2015. The representation of the petitioner having been duly considered by the Committee on 15.02.2018 after providing opportunity of personal hearing to the petitioner and his sons who were present, and after perusing the material on record, the order passed by the Committee cannot be faulted with.

32. Furthermore, the records clearly indicate that despite adequate opportunity the petitioner failed to provide any substantial material evidence suggesting title of ownership in respect of 0.328 hectares of land in question before the Committee and, therefore, the order dated 15.02.2018 in terms of which he has been held to be unauthorized occupant of the land measuring 0.328 hectares lying within the portion of 126-10-0 bigha in Village Nagli Nagla demarcated by the Revenue

Department in April 2015 did not suffer from any illegality.

33. The report dated 24.04.2015 submitted on behalf of the State Government after demarcation proceedings conducted by a joint revenue team and comparative tables of the old and new khasra numbers as provided by the Revenue Authorities also go to show that the land bearing gata no.264M was part of khasra no.246, which in turn was notified for acquisition in terms of land acquisition notification dated 05.11.1950 issued under Section 4 of the Act, 1894 and also the declaration dated 07.11.1950 issued under Section 6, and as such the same undisputedly forms part of the air bombing range.

34. In this view of the matter also the claim of the petitioner that the land in question was not included in the acquisition proceedings initiated in terms of the notifications issued in the year 1950, cannot be accepted.

35. As regards the assertion made by the petitioner that he is the recorded tenure holder in respect of the land in question and that he has regularly paid land revenue, the said contention is liable to be rejected for the reason that entries in the revenue records only raise a certain presumption with regard to possession, and in view of the facts and circumstances of the present case, in particular the findings on the questions of facts recorded at various stages of the litigation which clearly go to show that large scale manipulation and fabrication of entries in the course of preparation of the record of rights of the village in question had been made in collusion with the revenue officials, the question of acting on such a presumption would not arise.

36. This Court may also take into consideration that it is settled law that the revenue records do not confer title and even if the entries in the revenue record of rights carry value that by

itself would not confer any title upon the person claiming on the basis of the same.

37. The Supreme Court in ***Guru Amarjit Singh Vs. Rattan Chand & Ors.***[3] held that entry in *Jamabandi* (revenue records) are not proof of title, and it was stated as follows:-

> *"2. ...It is settled law that entries in the Jamabandi are not proof of title. They are only statements for revenue purpose. It is for the parties to establish the relationship or title to the property unless there is unequivocal admission..."*

38. A similar position was reiterated in ***Jattu Ram Vs. Hakam Singh***[4], and it was held as follows:-

> *"3. ...The sole entry on which the appellate court placed implicit reliance is by the Patwari in Jamabandi. It is settled law that the Jamabandi entries are only for fiscal purpose and they create no title. It is not the case that the appellant had any knowledge and acquiesced to it. Therefore, it is a classic instance of fabrication of false entries made by the Patwari, contrary to the contract made by the parties, though oral..."*

39. In ***Faqruddin Vs. Tajuddin***[5] it was held that the revenue authorities cannot decide questions of title and that mutation takes place only for certain purposes. The observations made by the Supreme Court in the said order are as follows:-

> *"45. Revenue authorities of the State are concerned with revenue. Mutation takes place only for certain purposes. The statutory rules must be held to be operating in a limited sense... It is well settled that an entry in the revenue records is not a document of title. Revenue authorities cannot decide a question of title."*

40. A similar observation was made in ***Narain Prasad Aggarwal Vs. State of Madhya Pradesh***[6] wherein in was held as follows:-

> *"19. Record-of-right is not a document of title. Entries made therein in terms of Section 35 of the Evidence Act although are admissible as a relevant piece of evidence and although the same may also carry a presumption of correctness, but it is beyond any doubt or dispute that such a presumption is rebuttable..."*

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3 (1993) 4 SCC 349
4 (1993) 4 SCC 403
5 (2008) 8 SCC 12
6 (2007) 11 SCC 736

41. In ***Ramesh Dutt & Ors. Vs. State of Punjab & Ors.***[7] the legal position with regard to the entry in revenue record of rights merely being an evidence of possession and not conferring any title was reiterated in the following terms:-

> *"15. ...It is now a well-settled principle of law that entry in a revenue record-of-rights merely is an evidence of possession. (See Faqruddin v. Tajuddin [(2008) 8 SCC 12]. Such an entry does not create title; absence thereof does not extinguish the same..."*

42. In ***Union of India & Ors. Vs. Vasavi Cooperative Housing Society Limited & Ors.***[8] the same legal position has again been stated in the following terms:-

> *"21. This Court in several judgments has held that the revenue records do not confer title. In Corpn. of the City of Bangalore v. M. Papaiah [(1989) 3 SCC 612] this Court held that: (SCC p. 615, para 5)*
>
> > *"5. … It is firmly established that the revenue records are not documents of title, and the question of interpretation of a document not being a document of title is not a question of law."*
>
> *In Guru Amarjit Singh v. Rattan Chand [(1993) 4 SCC 349] this Court has held that: (SCC p. 352, para 2)*
>
> > *"2. … that entries in the Jamabandi are not proof of title."*
>
> *In State of H.P. v. Keshav Ram [(1996) 11 SCC 257] this Court held that: (SCC p. 259, para 5)*
>
> > *"5. … an entry in the revenue papers by no stretch of imagination can form the basis for declaration of title in favour of the plaintiffs."*

43. We may also refer to the judgment in ***Suraj Bhan Vs. Financial Commissioner & Ors.***[9] wherein it was held as under:-

> *"9. ...It is well settled that an entry in revenue records does not confer title on a person whose name appears in record-of-rights. It is settled law that entries in the revenue records or jamabandi have only "fiscal purpose" i.e. payment of land revenue, and no ownership is conferred on the basis of such entries..."*

44. The malaise of encroachment over Government land was noted with concern in the case of ***Mandal Revenue***

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7 (2009) 15 SCC 429
8 (2014) 2 SCC 269
9 (2007) 6 SCC 186

Officer Vs. Goundla Venkaiah & Anr.[10], and it was observed as follows:-

> *"47. In this context, it is necessary to remember that it is well-nigh impossible for the State and its instrumentalities including the local authorities to keep everyday vigilance/watch over vast tracts of open land owned by them or of which they are the public trustees. No amount of vigil can stop encroachments and unauthorised occupation of public land by unscrupulous elements, who act like vultures to grab such land, raise illegal constructions and, at times, succeeded in manipulating the State apparatus for getting their occupation/possession and construction regularised..."*

45. We may take notice of the fact that this Court in its judgment dated 19.05.2015 passed in *PIL No.11539 of 2015* and the connected matters, in respect of persons claiming similar rights as the petitioner herein, had clearly held them to be trespassers/encroachers over the land in question.

46. This Court may take note of the fact that even in respect of petitioners claiming relief by asserting their title on the basis of sale deeds which had been duly registered, in the writ petitions which were decided along with *PIL No.11539 of 2015,* it was held that mere registration of a document *per se* does not create any new title and the same is governed by the principles enunciated by the maxim ***nemo dat quod non habet***, i.e. no person can transfer a better title than what he possesses in the property so transferred. Mere registration of a conveyance deed cannot come in the way of the government in asserting its right, and title to the land, and claim the property back, in accordance with law. In view of the aforesaid, the petitioners therein having not been able to demonstrate any right, title or interest in the property in their possession were held to be enchroachers/trespassers.

47. In the present case also the petitioner has not been able to

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10 (2010) 2 SCC 461

substantiate his plea on the basis of any document on record with regard to his right, title or interest in the property. No material had been placed on record to demonstrate as to how the petitioner came into possession over land in respect of which acquisition was completed in terms of notifications issued in the year 1950. The legal position in this regard has been discussed in detail in the judgment dated 06.07.2017 passed in *PIL No.11539 of 2015* and the connected matters by a Coordinate Division Bench of this Court and we find no reason to take a different view.

48. It has been brought to our notice that the appeal, *Special Leave to Appeal (C) No.20654 of 2017 (G.S. Raghav Vs. Union of India & Ors.)* filed against the aforementioned judgment dated 06.07.2017 was dismissed by the Supreme Court vide order dated 21.08.2017.

49. In view of the aforementioned discussion, we are not inclined to exercise the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

50. The present writ petition is devoid of merits and is accordingly dismissed.

Order Date :- 24.04.2019
Shahroz

(Dr. Y.K. Srivastava,J.) (Pankaj Kumar Jaiswal,J.)