

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

CR No.45 of 2015

Date of decision : 15.12.2015

Amar Singh and ors.

...Petitioners

Versus

U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Hardip Singh, Advocate for petitioners.

AMIT RAWAL, J. (Oral)

The petitioner-land owner is aggrieved of the impugned order, whereby the execution application has been dismissed on the ground that he had filed petition under Section 28-A vis-a-vis khasra No.45//18/1 measuring 3 kanal 7 marla.

Mr. Hardip Singh, learned counsel appearing on behalf of petitioner submits, that Land Acquisition Collector had passed the award in respect of aforementioned khasra number also. Though land owner-petitioner sought reference under Section 18 which has also been allowed. Somehow, inadvertently, the petition under Section 28-A of the Land Acquisition Act 1854 in respect of aforementioned khasra number was filed

which was not maintainable and it is on this account, execution petition is dismissed.

I have heard learned counsel for the petitioner and appraised the paper book.

It may not be out of place to mention here that respondents have been served and there is no representation on their behalf, accordingly, I proceed to decide the present revision petition.

Since, the Land Acquisition Collector had pronounced the award vis-a-vis aforementioned khasra numbers, the filing of the petition under Section 28-A would not come in the way of the land owners to seek execution of the order passed by the Reference Court enhancing the amount of compensation than the one granted by Land Acquisition Collector. The Reference Court should have taken its focus off from the proceedings conducted under Section 28-A of the Act as those proceedings in my view were totally redundant and finding if any would be otiose.

Keeping in view the aforementioned facts, impugned order is set aside, in essence, execution application is restored to its original number.

Revision petition stands allowed.

15.12.2015

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**(AMIT RAWAL)
JUDGE**