

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

(1) CR No. 4519 of 2012 (O&M)
Date of decision: October 13, 2015

Amar Singh and others

...Petitioners
Versus

The Gram Panchayat Nainwal and another

...Respondents

(2) CR No. 4520 of 2012 (O&M)

Smt. Medi Devi and others

...Petitioners
Versus

The Gram Panchayat Nainwal and another

...Respondents

(3) CR No. 4898 of 2012 (O&M)

Sanjay Singh and others

...Petitioners
Versus

The Gram Panchayat Nainwal and others

...Respondents

(4) CR No. 4899 of 2012 (O&M)

Nanda and others

...Petitioners
Versus

The Gram Panchayat Nainwal and others

...Respondents

(5) CR No. 4900 of 2012 (O&M)

Ram Mehar and others

...Petitioners
Versus

The Gram Panchayat Nainwal and others

...Respondents

(6) CR No. 6138 of 2012 (O&M)

Raghunath and others

...Petitioners
Versus

The Gram Panchayat Nainwal and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

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

Present: - Mr. Ram Avtar Yadav, Advocate,
for the petitioners.

Mr. Amit Jain, Advocate.

Mr. VK Kaushal, Advocate,
for the Union of India.

K. KANNAN, J. (Oral)

1. This order shall dispose of all the above titled cases as the same arise out of the same set of facts and involving similar question of law.
2. The revisions are at the instance of the decree-holders who have secured the compensation assessed in a reference for land acquisition. At the stage of execution, an objection was raised by a third party Gram Panchayat that the property has been entered as belonging to it and, therefore, the amounts shall not be permitted to be withdrawn to the decreer-holders. An adjudication of ownership is the only business of the reference court under Section 30 of the Land Acquisition Act and there can be no other forum which can entertain such a plea at the instance of a third party. The procedure under Order 21 Rule 97 of the Code of Civil Procedure cannot be applied in the executing court which enforces the order

determining the issue of apportionment under Section 30 of the Land Acquisition Act. This issue has been settled by this Court in Satpal Singh Versus Subhash Chander 2014 (1) PLR 800 wherein it has been held that the executing court shall stay within the confines to execute the award against the judgment debtor for a money which is already assessed by a court and there can be no objection by a third party at the execution stage for the apportionment in the manner assessed by the reference court.

3. The executing court was wholly unjustified in allowing for a liberty to be given to a third party objector to prove at a later stage that it is the owner of the property. The liberty granted is untenable in law and is set aside. All the revisions are allowed.

October 13, 2015
prem

(K.KANNAN)
JUDGE