

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CR No. 5736 of 2015

Date of decision : September 3, 2015

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Gurlal Singh

.....Petitioner

Versus

Chander Kanta and others

.....Respondents

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CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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Present: Mr. Rakesh Gupta, Advocate for the petitioner.

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1. *Whether Reporters of Local Newspapers 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?*

RITU BAHRI, J

The petitioner has come up in the present revision petition against the order dated 31.7.2015 (Annexure P-1), whereby the executing Court has dismissed the objections filed by the present petitioner/objectors against the execution petition filed by decree holder Chander Kanta for recovery of the compensation amount under Land Acquisition Act.

The objectors had purchased the land measuring 93 kanals 5 marla from Kusum Lata vide registered sale deed bearing vasika no. 1740 dated 30.12.2004 and mutation no. 1795 in this regard was also sanctioned in their favour. This mutation was cancelled on an application made by Raman Kumar, brother of

Kusum Lata who had died in the year 1988 and a Will had been executed in his favour. Raman Kumar, thereafter sold 83 kanal 5 marla land to Chander Kanta and mutation no. 1850 was also sanctioned in her favour. This land was acquired by the State authorities and a reference petition under Section 18 of the Land Acquisition Act was filed by Chander Kanta through her power of attorney Neelam Kumari which was decided vide judgment dated 24.12.2011 and reference Court enhanced the market value of land from Rs.12,50,000/- to Rs. 16,00,000/- per acre besides all other statutory benefits. In execution proceedings, the objection of the present petitioner was that the objectors were bona fide purchasers from Kusum Lata. No notice had been given to them during the land acquisition proceedings and the enhanced amount be not released to Chander Kanta by accepting their objections.

The objections were considered in detail and were dismissed by the Additional District Judge, Panipat. In paragraph 8 of the order, a reference has been made to a judgment dated 18.9.2014 titled ' Chhabgeg Singh and others vs. Raman Kumar and others'. This was the suit where the objectors had challenged the mutation no.1845 which was sanctioned in favour of Raman Kumar as well as sale deed dated 14.12.2006 which was executed by Raman Kumar in favour of Chander Kanta by way of filing civil suit and the said civil suit was dismissed vide judgment and decree dated 18.9.2014. In the judgment it was observed that the present objectors were not the owners of the land in dispute and they had

impersonated Kusum Lata who had already expired in the year 1988. An FIR was also registered against objectors which is still pending and one another FIR No. 355 dated 26.7.2005 was also registered against one objector Subeg Singh and in that FIR vide judgment dated 30.1.2015 Subeg Singh was convicted. No reference was filed by the objectors in order to enhance the compensation amount and the same was filed by the decree holder. The sale deed dated 30.12.2004 was not held to be genuine as per the judgment dated 18.9.2014. The objections had been rightly dismissed by the Additional District Judge, Panipat. There is no illegality or infirmity in the order dated 31.7.2015 warranting interference of this Court.

In view of all that has been discussed above, present revision petition is dismissed.

September 3, 2015
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(**RITU BAHRI**)
JUDGE