

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.6638 of 2014

Date of Decision.16.03.2015

Sewa Singh and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

Present: None for the petitioner.

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?

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K. KANNAN J. (ORAL)

1. The persons who are not parties to a land reference seeking for enhancement of compensation under the Land Acquisition Act came with the petition for execution claiming themselves to be co-owners of the property with a decree holder in the case. The enhancement was sought on the ground that although they had realized the amount as determined for their share by the Collector, a claim for enhancement made by the other co-owners will stand to the benefit of the persons who are not parties to the reference. Their claim, therefore, was that they are entitled to file the execution petition seeking for realization of the amount as determined by the Reference Court and later granted by the High Court.

2. The only benefit which a person that does not seek for reference obtained by an award which is already passed at the instance

of persons who are making a claim for enhancement will be the benefit that is assured under the Land Acquisition Act itself under Section 28A. The said provision would enable a person to allow an applicant any amount of compensation in excess of the amount awarded by the Collector if the persons interested in all the other land covered by the same notification and who are also aggrieved by the award of the Collector but who had secured a higher compensation by an award granted by the Court. In such a petition the benefit will accrue only if the non-parties file an application for redetermination of the amount to compensation awarded by the Court within three months of the award by the Court. If the petitioners themselves had not sought for enhancement and if they have not also secured a redetermination of the Collector's award in the manner contemplated under Section 28-A, there is no question of such persons applying for execution for realization of higher amount by pointing out to the fact that their co-owners who had come by the benefit of higher compensation by seeking reference to a Civil Court. The petition for execution was incompetent and the dismissal of the petition is perfectly justified.

3. I will find no reason for making an intervention in favour of the petitioners. The revision petition is dismissed.

(K. KANNAN)
JUDGE

March 16, 2015
Pankaj*