

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

**CR No.4278 of 2014(O&M)
Date of Decision- 04.10.2016**

Vinod Kumar Kataria and others ... Petitioners

Versus

Punjab State and others ... Respondents

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Pritam Saini, Advocate for the petitioners.

Mr. P.S. Matterwal, Addl, A.G., Punjab
for respondents No.1 and 2.

Mr. Vikas Singh, Advocate for respondent No.3.

RAJ MOHAN SINGH, J.

[1]. Petitioners are aggrieved of order dated 03.02.2014 passed by Additional District Judge, Faridkot whereby it was held that the decree holders have already received the entire amount along with interest and as such, the execution was dismissed being fully satisfied.

[2]. Harbans Lal and Smt. Krishna Kataria were predecessors of the petitioners whose land measuring 44 kanals, 1 marla was acquired by the State along with land of Sunit Kanwal Kataria, Anil Kataria and other adjoining owners for the purposes of setting up Faridkot Cooperative Sugar Mills Ltd vide notification dated 24.02.1988. The award was pronounced by the Land Acquisition Collector on 21.02.1990 in terms of classification of the land in four blocks i.e. A,B,C,D. Accordingly,

award was passed thereby awarding compensation @ Rs.1,20,000/-, Rs.1,00,000/-, Rs.80,000/- and Rs.60,000/- per acre respectively. The land of the petitioners and their predecessors was put in block D i.e. compensation @ Rs.60,000/- per acre. Possession of the land was taken before pronouncing of the award. Interim compensation was also paid.

[3]. There was a dispute with regard to amount of compensation and interest before the executing Court. Both the parties filed their respective calculations as well as additional calculations. Calculations filed by judgment debtors were classified as Annexures JD-1 and JD-2. Calculations submitted by the decree holders were classified as Annexure DH-2.

[4]. Executing Court after appreciating the respective calculations held that the decree holders have claimed interest on the total amount i.e. after adding interest on the principal amount whereas simple interest was to be paid. The interest was held payable only on the principal amount and the calculations submitted by the judgment debtors were treated to be correct as the same were based on calculations of interest on the principal amount. The calculations submitted by the decree holders were held to be on higher side. Trial Court while observing that the calculations submitted by the judgment debtors were authenticated calculations held that the decree holders have already received the entire payment along with interest,

therefore, execution was held to be satisfied. Feeling aggrieved by the order dated 03.02.2014, decree holders have ventured to file the present revision petition.

[6]. At the time of issuance of notice of motion this Court passed the following order on 20.04.2015:-

“Counsel for the petitioner submits that the amounts deposited by the judgment debtors for execution of the Award on different dates are to be adjusted in accordance with the judgment of the Supreme Court in V. Kala Bharathi and others Vs. The Oriental Insurance Co. Ltd 2014(5) SCC 577.

Notice of motion for 7.9.2015.”

[7]. Since both the parties were asserting genuineness of their respective calculations for exact computation of amount of compensation, therefore, vide order dated 20.11.2015 passed by this Court both the parties along with Land Acquisition Collector, Faridkot were directed to sit together and to reconcile their calculations. The difference was to be pointed out to this Court. Vide order dated 26.07.2016, Faridkot Cooperative Sugar Mills Limited was impleaded as party respondent No.3 in the revision petition. It was noticed in the aforesaid order that the petitioners have already submitted their calculations and the same were to be reconciled by the Land Acquisition Collector. Thereafter a comprehensive report was submitted to this Court.

[8]. Pursuant to the directions issued by this Court, a difference report was prepared. An application i.e. CM No.18705-CII of 2016 was moved by State of Punjab under Section 151 CPC seeking to place on record difference report prepared regarding the differences in the calculation of the compensation amount given to the decree holders in land acquisition case. It was highlighted in the said application filed by Land Acquisition Collector-cum-Sub Divisional Magistrate that in compliance with the order passed by the High Court both the petitioners and added respondent No.3 had submitted their respective calculations and after going through the Land Acquisition record, report regarding the difference in calculation in respect of compensation paid to the petitioners was prepared.

[9]. As per Annexure R-1 attached with the application, the calculations submitted by the petitioners were found to be correct and it was recorded in the following manner:-

A) That there is no difference regarding the payments made on 10.05.1988; 11.07.1990; 17.03.2007; 10.07.2008 to the decree holders.

B) That on 12.03.2010, Sugar Mill, Faridkot had deposited Rs.1.03.084/- in the Id. Civil Court, Faridkot which till date has not been collected by Sh. Sunit Kanwal Kataria, Advocate and other decree holders.

C) That the calculation sheet prepared & submitted by the Sugar Mill includes the payment of Rs.1,03,084/- dated 12.03.2010 deposited in the Id. Civil Court, Faridkot and calculation sheet prepared and submitted by Sh. Sunit Kanwal Kataria, Advocate does not include the amount deposited mentioned above.

D) As per the calculation sheet submitted by the Sugar Mill the compensation paid for the standing trees has been paid @ Rs.50 per tree.

E) Sh. Sunit Kanwal Kataria, Advocate had also claimed compensation of 368 standing trees @ Rs.110 per tree.

F) As per the calculation sheet submitted by the Sugar Mill, Faridkot Solatium @ 30% and additional compensation @ 12% has not been properly calculated on the enhanced compensation as awarded by the Hon'ble High Court.

G) As per the calculation sheet submitted by the Sugar Mill, compensation regarding building and tube-well has not been clearly mentioned neither the compensation has been paid.

H) That after considering all the facts and material on record, the method of calculations submitted by the decree holder is correct. Calculation sheet submitted by the 'Sugar

Mill' is not as per the enhanced compensation as awarded by the Hon'ble High Court.

[10]. Perusal of aforesaid report would reveal that the method of calculation submitted by the decree holders was found to be correct whereas calculation sheet submitted by the Sugar Mill was not found as per the enhanced compensation awarded by this Court. Application was taken on record vide order dated 16.09.2016 and thereafter, time was sought by learned counsel for respondent No.3 to verify the report.

[11]. Having heard learned counsel for the parties, I find that there is no reason to differ with the report submitted by Land Acquisition Collector-cum-Sub Divisional Magistrate, Faridkot. Nothing could be pointed out as to how the calculations submitted by the decree holders were incorrect. State has accepted the calculations of the decree holders. Respondent No.3 was the beneficiary for whom the land was acquired by the State. Award was passed by Land Acquisition Collector. Every land owner is entitled to receive just and fair compensation based on correct calculation. Since the calculations submitted by the decree holders were found to be correct by the State Authority who is none else Land Acquisition Collector-cum-Sub Divisional Magistrate, Faridkot, therefore there are no reasons to differ with the conclusion arrived at by the Land Acquisition Collector-cum-Sub Divisional Magistrate, Faridkot.

[12]. In view of aforesaid, this revision petition is allowed.
Impugned order dated 03.02.2014 passed by Additional District
Judge, Faridkot is set aside. Necessary consequences to follow.

(RAJ MOHAN SINGH)
JUDGE

04.10.2016
Prince

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No