

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(1) CR-2714 of 2016 (O&M)
Union of India and anotherPetitioners

Versus

Swaran Singh and othersRespondents

(2) CR-2715 of 2016 (O&M)
Union of India and anotherPetitioners

Versus

Chanan Singh (dead) through
his LR Dalbir Singh MahalRespondent

(3) CR-2720 of 2016 (O&M)
Union of India and anotherPetitioners

Versus

Swaran Singh and othersRespondents

(4) CR-2721 of 2016 (O&M)
Union of India and anotherPetitioners

Versus

Santa Singh and othersRespondents

(5) CR-2727 of 2016 (O&M)
Union of India and anotherPetitioners

Versus

Gurnam Singh (dead) through
his LRs and othersRespondents

(6) CR-2738 of 2016 (O&M)
Union of India and anotherPetitioners

Versus

Mangal Singh (dead) through
his LRs and anotherRespondents

(7)

CR-2739 of 2016 (O&M)

Union of India and another

.....Petitioners

Versus

Santa Singh and others

.....Respondents

(8)

CR-2740 of 2016 (O&M)

Union of India and another

.....Petitioners

Versus

Santa Singh and others

.....Respondents

Date of Decision:13.09.2017

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK.

**Present: Mr.Vivek Singla, Advocate,
for the petitioners.**

None for the respondents.

RAMESHWAR SINGH MALIK, J.(Oral)

With the consent of learned counsel for the petitioners, all these eight identical civil revision petitions by Union of India, filed under Article 227 of the Constitution of India, against separate but identical orders of even date i.e. 22.07.2015, are being disposed of together vide this common order, as all the revision petitions are arising out of same set of facts and raise the same issue. However, for the facility of reference, facts are being culled out from CR-2714 of 2016 (**Union of India and another Versus Swaran Singh and others**).

Notice of motion was issued. None has come present on behalf

of the respondents, despite service.

Heard learned counsel for the petitioners.

A bare reading of the impugned order dated 22.07.2015 passed by the learned District Judge, being the executing court, would show that there is no scope of interference at the hands of this Court. Relevant facts and cogent reasons at page 27 and 28 of the paper-book, which are part of the impugned order and deserve to be noticed here, are as under:-

“The facts of the case are that the land of applicants/decree holders was requisitioned by the respondents/JDs under the provisions of Defence of India Act, 1962 and the rules framed thereunder on 07.07.1966 and possession of land was taken by respondents on 27.07.1966. Thereafter, the land of the applicants was acquired under the provisions of Section 7 of the Requisition and Acquisition of Immovable Property Act, 1952, vide notification dated 14.01.1971 published in Punjab Government Gazette dated 26.02.1971, offering compensation for the acquired land. Feeling dissatisfied with the offered price, applicants filed reference petition which was allowed by the learned predecessor of this Court vide award dated 06.06.2002 thereby granting compensation to them qua their acquired land at the rate of ₹60,000/- per acre. As no solatium and interest was awarded by the Tribunal, so, applicants preferred appeal before the Hon'ble Punjab & Haryana High Court which was allowed vide order dated April 25, 2011 and the operative part of the order is as under:-

“For the aforesaid reasons, these appeals are allowed to the extent that appellants-landowners are held entitled to solatium at the rate of 15 per cent per annum, as prayed for by them in these appeals, on the market value of the land as assessed by the learned District Judge, Amritsar, i.e. Rs.60,000/- per acre along

with interest at the rate of 9 per cent per annum from the date when possession of the lands of the landowners-appellants was taken by the respondents i.e. 27.07.1966.”

Against this order, respondent-Union of India went in S.L.P. in which Hon'ble Supreme Court passed interim order to the extent that the appellant Union of India shall release solatium at the rate of 30% of the compensation amount with interest at the rate of 9% per annum, and ultimately the S.L.P. was dismissed by the Hon'ble Supreme Court of India vide order dated 30.09.2013.

Thus, it is clear that decree holders are entitled for interest on the award amount from the date when possession of the land was taken by the respondents i.e. 27-07-1966. the decree holders have placed on record calculation of the balance amount due and said calculation has been certified by the Chartered Accountant. Although JD has also filed calculation but same are partially wrong, since the interest in the said calculation has been calculated from 26-02-1971 and not from 27-07-1966.”

It is a matter of record that the order dated 25.04.2011 passed by this Court, allowing the appeals of the landowners holding them entitled for solatium and interest from the date when possession of their land was taken by the petitioners i.e. from 27.07.1966, has already attained finality against the petitioners, on dismissal of their SLP (Civil) Nos.725-733 of 2013, by the Hon'ble Supreme Court of India. Once it is so, the learned executing court was well within its jurisdiction to turn down the objections of the petitioners-judgment debtors to the effect that the landowners would be entitled for interest w.e.f. 26.02.1971 and not from 27.07.1966. No fault can be found with the impugned order in this regard and the same deserves to be upheld.

So far as the calculation of total payable amount at the hands of judgment-debtors to the decree-holders-landowners is concerned, learned counsel for the petitioners seeks liberty from this Court, permitting the petitioners to approach the learned executing court, by moving appropriate application specifying the minute details separately in each case, so as to enable the learned executing court to appreciate every factual aspect of the matter on account of miscalculation of the amount, allegedly done by the landowners-respondents. Since this contention raised by learned counsel for the petitioners has been found to be justified, the same deserves to be accepted. Nobody has come present on behalf of the respondents to oppose the present revision petitions, including the abovesaid contention raised by the learned counsel for the petitioners.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that so far as the entitlement of the landowners to receive the awarded compensation along with interest w.e.f. 27.07.1966 is concerned, the impugned order is upheld.

However, liberty as sought here-in-above is granted to the petitioners so as to enable them to approach the learned executing court by moving appropriate application with specific and minute details about the exact and correct calculation of the amount payable at the hands of the judgments debtors to the decree-holders-landowners. In case, such an application is moved at the hands of the petitioners within a period of six weeks from today, the learned executing court shall consider and decide the

same at an early date, by passing appropriate order, in accordance with law.

Resultantly, with the above-said observations made and directions issued, all these revision petitions stand disposed of.

September 13, 2017
seema

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No