

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR-4127-2017

Date of decision: 03.07.2017

Amrik Singh and others

..... Petitioners

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Dheeraj Mahajan, Advocate for the petitioners.

RAMENDRA JAIN, J. (ORAL)

1. The instant revision has been filed under Article 227 of the Constitution of India, challenging the impugned order dated 07.11.2015 (Annexure P-6), passed by the Executing Court, Jalandhar, directing the petitioners to furnish security to the double of the amount of compensation sought to be disbursed to them, being completely arbitrary and contrary to law and also the order dated 07.04.2017 (Annexure P-9), whereby the execution application was ordered to be consigned to the record room with a condition that the same shall be revived as and when the petitioners intend to furnish adequate security.

2. The land of the petitioners was acquired vide notification dated 24.12.2004 issued under Section 3A of the National Highway Authority Act (for short 'the Act'), for widening of the National Highway NH-1A, vide notification dated 11.04.2008. However, the landowners, including the

petitioners being not satisfied with the assessment of compensation by the

Competent Authority, sought reference under Section 3G(5) of the Act. Accordingly, the Arbitrator was appointed, who after taking into consideration the various aspects, awarded the compensation at different rates as mentioned at page No. 4 of the judgment dated 27.01.2016 (Annexure P-8) passed by this Court in FAO-8213-2014, **Union of India and another Vs. Surjit Singh and others** and other connected appeals. The petitioners filed execution petition for disbursement of amount, in terms of Award dated 02.03.2012 (Annexure P-1) passed by the Arbitrator. In the meanwhile, Union of India, preferred FAO Nos. 5451, 5454, 5455 & 5456-2013 and 917, 8213, 8219, 8220, 8438, 8618, 10216 and 10460-2014 before this Court against the petitioners and other landowners along with application for stay. Vide order dated 25.11.2013 (Annexure P-3), passed by this Court in FAO Nos. 5451, 5454, 5455 & 5456-2013, the amount of compensation was ordered to be disbursed to the land owners on furnishing of adequate security to the satisfaction of the trial Court. Consequently, the Executing Court, vide order dated 07.11.2015 (Annexure P-6), directed the petitioners to furnish the security to the double of the awarded amount sought to be disbursed to them. In the meanwhile all the appeals filed by the Union of India were dismissed vide orders dated 08.02.2016 and 27.01.2016 (Annexure P-7 and P-8, respectively) by this Court.

3. Therefore, it is amply clear that the order dated 07.11.2015 (Annexure P-6) lost its sanctity; but despite that, the Executing Court, still wrongly and illegally, insisted the petitioner to furnish security to the double of the amount of compensation so to be disbursed and vide order dated 07.04.2017 (Annexure P-9) ordered for consignment of the execution petition to the record room with the observation that the same would be

revived as and when the petitioner would intend to furnish indemnity bonds in compliance of the order dated 16.02.2017. In the considered opinion of this Court, the impugned order Annexure P-9 is patently illegal, more particularly, when all the appeals filed by the Union of India against the Award dated 02.03.2012 (Annexure P-1) were dismissed by this Court vide orders dated 08.02.2016 and 27.01.2016 (Annexure P-7 and P-8, respectively).

4. In view of the above, the impugned order dated 07.04.2017 (Annexure P-9) is hereby set aside and the learned Additional District Judge, Jalandhar, is directed to restore the execution petition bearing No. 42/2014, Amrik Singh and others Vs. Union of India and others, *suo motu* and to disburse the amount of compensation to the petitioners in terms of Award (Annexure P-1) without asking from them any indemnity bonds/surety bonds, unless there is some fresh order of stay passed by any other Court/higher Court against the impugned award.

The instant revision petition stands disposed of, accordingly.

July 03, 2017
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(RAMENDRA JAIN)
JUDGE

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| 1. Whether speaking/reasoned | Yes/No |
| 2. Whether Reportable | Yes/No |