

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CR-6050-2017(O&M)

The Commandant 153 Battalion
BSF (UOI/BSF)

.....Petitioner

Versus

Moola Singh (deceased) through
his LRs and others

.....Respondents

2. CR-6051-2017(O&M)

The Commandant 153 Battalion
BSF (UOI/BSF)

.....Petitioner

Versus

Ranjit Singh and others

....Respondents

3. CR-6052-2017(O&M)

The Commandant 153 Battalion
BSF (UOI/BSF)

.....Petitioner

Versus

Malkiat Singh and others

.....Respondents

4. CR-6053-2017(O&M)

The Commandant 153 Battalion
BSF (UOI/BSF)

.....Petitioner

Versus

Satpal Singh and others

.....Respondents

5. CR-6054-2017(O&M)

The Commandant 153 Battalion
BSF (UOI/BSF)

.....Petitioner

Versus

Balwinder Kaur and others

.....Respondents

6. CR-6055-2017(O&M)

The Commandant 153 Battalion
BSF (UOI/BSF)

.....Petitioner

CR-6050-2017(O&M)	2
Versus	
Jarnail Singh and others	Respondents
7.	CR-6417-2017(O&M)
The Commandant 153 Battalion BSF (UOI/BSF)	Petitioner
Versus	
Dalip Singh and others	Respondents
8.	CR-6418-2017(O&M)
The Commandant 153 Battalion BSF (UOI/BSF)	Petitioner
Versus	
Tarlok Singh and others	Respondents
9.	CR-6419-2017(O&M)
The Commandant 153 Battalion BSF (UOI/BSF)	Petitioner
Versus	
Balwant Singh (deceased) through his LRs and others	Respondents
10.	CR-6420-2017(O&M)
The Commandant 153 Battalion BSF (UOI/BSF)	Petitioner
Versus	
Balwant Singh (deceased) through his LRs and others	Respondents
11.	CR-6426-2017(O&M)
The Commandant 153 Battalion BSF (UOI/BSF)	Petitioner
Versus	
Lakhbir Singh (deceased) through his LRs and others	Respondents

12.

CR-6470-2017(O&M)

The Commandant 153 Battalion
BSF (UOI/BSF)

.....Petitioner

Versus

Surjit Singh and others

.....Respondents

Date of Decision:26.09.2017

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

Present: Mr.Sunil Kumar Sharma, Advocate,
for the petitioners.

RAMESHWAR SINGH MALIK, J.(Oral)

This bunch of civil revision petitions, at the hands of judgment-debtors, filed under Article 227 of the Constitution of India, is directed against the order dated 28.04.2017 (Annexure P-1) and are being decided together vide this common order with the consent of learned counsel for the petitioner(s) in all these cases, as the impugned orders are just identical and raise the same issue. However, for the facility of reference, facts are being culled out from CR-6050 of 2017 (**The Commandant 153 Battalion BSF (UOI/BSF) Versus Moola Singh (deceased) through his LRs and others**).

Heard learned counsel for the petitioner(s).

Before proceeding further, operative part of the impugned order contained in para 5 and 6 thereof, which deserves to be noticed here, reads as under:-

“From the submissions made by both the parties and from the perusal of file, I find that as per the settled law interest can be claimed by the claimant on the delayed payment

*from the date of possession and not from the date of award. It is not in dispute that as per above said relief in the claim, the reference under Section 18 of the Act was accepted and enhancement was made along with all benefits. It is also not in dispute that award passed by learned District Judge, Gurdaspur because no appeal is pending in the Hon'ble High Court or in the Hon'ble Supreme Court of India on behalf of the State. However, appeal has been preferred by the claimant/decreed holder. In this regard, I get support from the law laid down by **Hon'ble Supreme Court of India, in case of Sunder Vs. Union of India, reported in Vol.CXXIX (2001-3), Punjab Law Reporter, page 860**, in which it has been held that State is liable to pay interest as per Section 34 of the Land Acquisition Act and amount of compensation is to be worked in accordance with provisions contained in Section 23 of the Act including all the sub sections.*

As per Section 34 of the Land Acquisition Act, interest is to be paid by the Collector on or before taking possession of the land. In this case also, as per Section 34 of the Land Acquisition Act, Decree Holders are entitled to take interest from the date of possession even on enhanced amount. However, it is made clear that interest may be calculated at the rate of 9% per annum from the date of award, if the payment is made within one year otherwise interest at the rate of 15% per annum will be calculated upon the due amount including solatium till the payment. JDs are directed to make the entire payment after calculation on or before 31.05.2017, otherwise the appropriate order will be passed. It is further made clear that JDs are directed to make the entire payment as per the award passed by learned Additional District Judge, Gurdaspur vide order dated 05.05.2015.”

It is a matter of record that the award dated 05.05.2015 passed

by the learned reference court has already attained finality against the petitioner(s) in all these matters. No further appeal at the hands of the petitioner(s) is pending in any higher court. Once, the award attained finality, decree-holders rightly filed their execution applications. The only issue which is sought to be raised at the hands of the petitioner(s) is that the decree-holders-landowners are not entitled for interest on the enhanced amount of compensation from the date of taking the possession. However, when learned counsel for the petitioner(s) was asked to point out any codified or judgemade law in this regard, so as to support his contention, he had no answer. In fact, the learned court below has placed reliance on the law laid down by the Hon'ble Supreme Court and the learned counsel for the petitioner(s) was unable to refer any contrary judgment in support of his contentions. Having said that, this Court feels no hesitation to conclude that the learned executing court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

Further, learned counsel for the petitioner(s) in all these cases failed to point out any prejudice which might have been caused to the petitioner(s) by passing the impugned order. Acquisition of land of the decree-holders is a matter of record. As noticed here-in-above, the award dated 05.05.2015 passed by the learned reference court has also attained finality. In such a situation, decree-holders would be entitled to get the decree executed in their favour, in accordance with law. That is what has been done by the learned executing court by passing the impugned order. Once the judgments-debtors had nothing to say about the undisputed entitlement of the decree-holders, no fault can be found with the impugned order passed by the learned executing court and the same deserves to be

upheld, for this reason also.

During the course of hearing, learned counsel for the petitioner (s) could not point out any patent illegality or perversity in the impugned order passed by the learned excuting court, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. The impugned order has been found based on sound reasons and the same deserves to be upheld, for this reason as well.

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 the present revision petitions are misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, all the revision petitions stand dismissed, however, with no order as to costs.

September 26, 2017
seema

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No

**CM-20243-20244-CII-2017 in
CR-6050-2017**

**The Commandant 153 Battalion BSF (UOI/BSF)
Versus
Moola Singh (deceased) through his LR's and others**

**Present: Mr.Sunil Kumar Sharma, Advocate,
for the applicant-petitioner.**

CM-20243-CII-2017

Applicant seeks exemption from filing the certified/typed copy
of Annexure P-5.

Application is allowed, as prayed for. Exemption sought is
granted.

C.M. stands disposed of.

CM-20244-CII-2017

Applicant seeks permission to place on record Annexure P-5.

Application is allowed, as prayed for. Annexure P-5 is
permitted to be placed on record.

C.M. stands disposed of.

September 26, 2017
seema

**(RAMESHWAR SINGH MALIK)
JUDGE**