

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

229(1)

CR-7866-2015(O&M)

Union of India

.....Petitioner

Versus

Sube Singh and others

.....Respondents

229(2)

CR-7734-2015(O&M)

Union of India

.....Petitioner

Versus

Surjit Singh and others

.....Respondents

Date of Decision:12.05.2017

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

Present: Mr.Rajvir Singh Sihag, Advocate,
for the petitioner in CR-7866-2015.

Ms.Ranjana Sahi, Advocate,
for the petitioner in CR-7734-2015.

Mr.Subhash Godara, Advocate,
for respondent Nos.1 and 2 in CR-7866-2015.

Ms.Neelam Mor, Advocate,
for Mr.Sandeep Goyat, Advocate,
for respondent Nos.1 and 2 in CR-7734-2015.

RAMESHWAR SINGH MALIK, J.(Oral)

These two identical revision petitions bearing CR No.7866 of
2015 (Union of India Versus Sube Singh and others) and CR No.7734 of
2015 (Union of India Versus Surjit Singh and others), are being decided

together, vide this common order, with the consent of learned counsel for

the parties, as both the cases are arising out of similar set of facts. However, for the facility of reference, facts are being culled out from CR No.7866 of 2015.

Present revision petitions, at the hands of the judgment-debtors, filed under Article 227 of the Constitution of India, are directed against the order dated 31.03.2015 (Annexure P-1), whereby the learned executing court directed the petitioner(s) to make the remaining payment within three months.

Notice of motion was issued.

Heard learned counsel for the parties.

A bare perusal of the impugned order passed by the learned executing court will make it crystal clear that the factual averments taken by the decree-holders were not denied by the judgment-debtors/petitioner(s), as recorded by the learned executing court in para 9 of the impugned order. It was further categorically observed by the learned executing court in para 10 of the impugned order that the decree-holders have duly established on record, with the help of oral as well as documentary evidence, that the land measuring 32 kanal acquired by judgment-debtors was falling in the category of A Class land being Nehri land, which was part of Chakbandi Form A mentioned in column No.23.

Consequently, it was rightly held by the learned executing court that the decree-holders were very much entitled for compensation @ ₹25,000/- per acre along with other consequential and statutory reliefs under Sections 23(1-A), 23(2) and 28 of the Land Acquisition Act, 1894 (for short “the Act”), as ordered by this Court vide its order dated 04.02.1991, passed in RFA No.1315 of 1989. It had already been clarified

by this Court in para 10 of its order dated 04.02.1991 that the land-owners/decreed holders would be entitled for consequential statutory benefits as per provisions contained under Sections 23(1-A), 23(2) and 28 of the Act. In view of the above-said undisputed fact situation obtaining on the record of the present case, there is no scope of any doubt that the learned executing court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

It is also not in dispute that the decree which was sought to be executed, had already attained the finality between the parties. It is the settled proposition of law that the decree is to be executed as it is until and unless some exception is pointed out at the hands of judgment-debtors to the effect that either the decree was not executable as it is or some ancillary issue was to be decided. Nothing in this regard has been pointed out at the hands of the petitioner(s) either before the learned executing court or before this Court. In this view of the matter, it can be safely concluded that the learned executing court committed no error of law, while passing the impugned order 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 executing Court, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India.

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 both the present revision petitions are misconceived,

bereft of merit and without any substance, thus, these must fail. No case for interference has been made out.

Resultantly, with the above-said observations made, both the revision petitions stand dismissed, however, with no order as to costs.

May 12, 2017
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(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No