

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No. 7815 of 2017 (O&M)
Date of Decision: November 13, 2017

Joginder Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Amit Kumar Walia, Advocate
for the petitioners.

ANITA CHAUDHRY, J.

This revision is directed against the order dated 29.03.2017, passed by the Additional District Judge, Sangrur (name withheld) who allowed the objections filed by the State.

No notice is required to be given as that would delay the matter. The decree holder has been wrongly denied the fruits of the order passed in his favour.

Some essential facts:- State of Punjab had acquired some land and compensation was assessed. Dis-satisfied with the quantum, the owners filed references. Aggrieved by the quantum they approached the High Court seeking enhancement. The Single Judge enhanced the amount and also held that the land owners would be entitled to all statutory benefits available to them under the provisions of Land Acquisition Act, 1894.

The decree holder filed the execution claiming the statutory benefits i.e. the solatium and interest. The Additional District Judge, Sangrur allowed the objections and accepted a strange argument presented by the Government Pleader. It was urged that the land owners were not entitled to any solatium and interest and since the judgment of the High Court did not refer to that relief, therefore, it should be taken that it had been denied. It is necessary to reproduce a portion of the order, which reads as under:-

“Perusal of order of Hon'ble High Court is clear with regard to enhancement of compensation amount. solatium or interest on the enhanced amount has not been granted by Hon'ble High Court. This court is of the opinion that grant of solatium as well as interest claimed by DH does not come within the purview of statutory benefits.”

The Co-ordinate Bench in another case i.e. CR-4676-2017, decided on 21.08.2017 had commented on the order passed in bunch of other execution petitions.

6. This Court is more than crestfallen and utterly shocked that a Judicial Officer of the rank of an Additional District Judge sitting in execution proceedings in a land acquisition matter under mandate of the division bench to pass time bound orders has had the foolhardiness to pass such patently illegal orders

contrary to the fundamental law of land acquisition and at the same time in utter disregard and in contempt of the orders of this Court passed in the Regular First Appeal, an order which has attained finality and which orders were directly in issue in execution proceedings on the objections filed by the State of Punjab.

7. No Judicial Officer should have passed such an irresponsible and casual order without paying due regard to the orders of this Court. It was inherent in the orders of this Court that landowners would be entitled to all statutory benefits available to them under the 1894 Act. Since the High Court was in appeal against the orders passed in the reference proceedings under Section 18 of the 1894 Act testing the correctness of the culminating judgment in statutory appeal, it was called upon only to consider cases of enhanced compensation in accordance with law. The other statutory benefits obviously had to follow a priori and that is why His Lordship in the last but one paragraph directed: “...Besides what was considered and granted by partly allowing the appeals had observed that besides this, the land owners of the 10 villages shall also be entitled to all other statutory benefits available to dispossessed landowners under the relevant provisions of the 1894 Act”.

The Co-ordinate Bench had commented on the submission advanced by the State counsel and observed that even the State counsel was not acquainted with the principles of the Land Acquisition Act, 1894 and what was meant by solatium and interest.

Solatium and interest are statutory benefits which are available to the land owners whose land are acquired. The order passed by the Additional District Judge is perverse and cannot be sustained and is set aside. The petition is allowed. The matter is remanded for fresh decision on the objections.

The objections will be decided strictly in accordance with law, after hearing both the parties.

(ANITA CHAUDHRY)
JUDGE

November 13, 2017

sunil

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No