

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CR No.2249 of 2017 (O & M)
Date of Decision:08.03.2018

Union of India

...Petitioner

Versus

Hardev Singh and others

...Respondents

CR No.5965 of 2017 (O & M)
Date of Decision:08.03.2018

Union of India

...Petitioner

Versus

Ajaib Singh through LRs and others

...Respondents

CR No.5973 of 2017 (O & M)
Date of Decision:08.03.2018

Union of India

...Petitioner

Versus

Gurmukh Singh through LRs and others

...Respondents

CR No.5974 of 2017 (O & M)
Date of Decision:08.03.2018

Union of India

...Petitioner

Versus

Kulwant Singh through LRs and others

...Respondents

CR No.5975 of 2017 (O & M)
Date of Decision:08.03.2018

Union of India

...Petitioner

Versus

Pritam Singh through LRs and others

...Respondents

CR Nos.2249, 5965, 5973 to 5980, 8358, 8360, 6060,
9167 and 8991 to 8997 of 2017 (O & M)

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CR No.5976 of 2017 (O & M)
Date of Decision:08.03.2018

Union of India

...Petitioner

Versus

Raghubir Singh through LRs and others

...Respondents

CR No.5977 of 2017 (O & M)
Date of Decision:08.03.2018

Union of India

...Petitioner

Versus

Prem Singh through LRs and others

...Respondents

CR No.5978 of 2017 (O & M)
Date of Decision:08.03.2018

Union of India

...Petitioner

Versus

Rattan Kaur through LRs and others

...Respondents

CR No.5979 of 2017 (O & M)
Date of Decision:08.03.2018

Union of India

...Petitioner

Versus

Labh Kaur (deceased) through LRs and others

...Respondents

CR No.5980 of 2017 (O & M)
Date of Decision:08.03.2018

Union of India

...Petitioner

Versus

Ajit Singh @ Jit Singh and others

...Respondents

CR Nos.2249, 5965, 5973 to 5980, 8358, 8360, 6060,
9167 and 8991 to 8997 of 2017 (O & M)

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CR No.8358 of 2017 (O & M)
Date of Decision:08.03.2018

Union of India

...Petitioner

Versus

Amrik Singh deceased through LRs and others

...Respondents

CR No.8360 of 2017 (O & M)
Date of Decision:08.03.2018

Union of India

...Petitioner

Versus

Darshan Singh deceased through LRs and others

...Respondents

CR No.6060 of 2017 (O & M)
Date of Decision:08.03.2018

Union of India

...Petitioner

Versus

Gurmeet Singh and others

...Respondents

CR No.9167 of 2017 (O & M)
Date of Decision:08.03.2018

Union of India

...Petitioner

Versus

Suchet Singh deceased through LRs and others

...Respondents

CR No.8991 of 2017 (O & M)
Date of Decision:08.03.2018

Union of India

...Petitioner

Versus

Waryam Singh deceased through LRs and others

...Respondents

Union of India

...Petitioner

Versus

Mohinder Singh and others

...Respondents

Union of India

...Petitioner

Versus

Sukhdev Singh and others

...Respondents

Union of India

...Petitioner

Versus

Dalbir Singh and others

...Respondents

Union of India

...Petitioner

Versus

Niranjan Singh deceased through LRs and others

...Respondents

Union of India

...Petitioner

Versus

Jagir Singh and others

...Respondents

CR Nos.2249, 5965, 5973 to 5980, 8358, 8360, 6060,
9167 and 8991 to 8997 of 2017 (O & M)

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CR No.8997 of 2017 (O & M)
Date of Decision:08.03.2018

Union of India

...Petitioner

Versus

Mohinder Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Chetan Mittal, Senior Advocate with
Mr. Vivek Singla, Advocate,
Mr. Varun Issar, Advocate and
Mr. Arun Gosain, Advocate
for the petitioner-UOI.

Mr. Rakesh Gupta, Advocate
for respondent No.1 in
CR No.2249 of 2017.

Mr. Charanpreet Singh, AAG, Punjab.

Mr. K.P. Singh, Advocate and
Ms. Harleen Kaur, Advocate
for respondent No.2 in CR No.8997 of 2017.

ANIL KSHETARPAL, J.(Oral)

Counsel for the parties are agreed that the issue arising in all these cases are common and all these revision petitions can be disposed of by a common order. Facts are being taken from CR No.2249 of 2017.

Union of India is in the revision petition against the order passed by the learned Executing Court directing payment of interest from the date of delivery of possession while compulsory acquiring the land as per the provision of the Land Acquisition Act, 1894.

Learned counsel for the petitioner has vehemently contended that the Court while deciding reference under Section 18 of the Land Acquisition Act did not either award or decline, the interest on the

compensation payable, therefore, the interest has to be calculated from the

date the judgment was delivered by the Hon'ble Constitution Bench in the case of **Sunder vs. Union of India, (2001) 7 SCC 211**. He further submits that this position has been clarified by a subsequent Constitution Bench judgment delivered by the Hon'ble Supreme Court in the case of **Gurpreet Singh vs. Union of India, (2006) 8 SCC 457**.

On the other hand, learned counsel for the respondents has pointed out that the Court while deciding reference under Section 18 did not observe anything about interest. However, regular first appeal was filed in this Court against the judgment passed by the reference Court which was allowed and it was directed as under:-

*“In view of the above detailed discussion; the judgment/award of the learned Additional District Judge, Patiala dated 6.4.1998 is modified to the extent that claimants would be entitled to receive a compensation of Rs.92.60 per square yard (Rs.4, 48, 159, 60 per acre) with **all statutory benefits under Sections 23 (1-A), 23(2) and 28 of the Act.** In view of the above, the appeals R.F.A. No.3745 of 1998 preferred by the State arising from the awards from the awards passed by the learned District Judge in Regular First Appeal No.3531 of 1998, titled Union of India Versus Hardev Singh. Regular First Appeal No.3557 of 1998 titled Union of India Versus Gram Panchayat, Pashiana, and Regular First Appeal No.5745 of 1998 titled Union of India and others Versus Babu Ram and others, are dismissed. However, the appeals preferred*

*by the claimants are partly accepted to the above extent,
leaving the parties to bear their own costs.”*

He submitted that in view of the aforesaid direction the judgment passed by the Court while deciding reference under Section 18 of the Land Acquisition Act, 1894 stood merged with the judgment passed by this Court. He further submitted that once there is a specific direction for payment of interest under Section 28 of the Land Acquisition Act, 1894, the aforesaid contention of learned counsel for the petitioner cannot be accepted.

This Court does not find any substance in the argument of learned counsel for the petitioner as judgment passed by the reference Court under Section 18 of the Land Acquisition Act would stand merged with the judgment passed by this Court while exercising appellate jurisdiction.

A careful reading of the concluding part of the aforesaid judgment passed in appeal, it is clear that the Court had allowed the appeal, modified the judgment passed by the reference Court and granted all statutory benefit by specifically referring to Sections 23 (1-A), 23 (2) and 28 of the Land Acquisition Act. Hence, petitioner cannot now be permitted to argue on the basis of judgment which has already been modified and stands merged with the judgment passed in the first appeal.

In view of the above, this Court does not find any good ground to interfere with the order passed by the learned Executing Court.

Hence, all these revision petitions are dismissed.

08.03.2018
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(ANIL KSHETARPAL)
JUDGE