

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: January 24, 2018

1. Civil Revision No.3931 of 2016

Parshotam Dass

...Petitioner

Versus

State of Punjab & another

...Respondents

2. Civil Revision No.3998 of 2016

Bulaki Ram

...Petitioner

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr.C.M.Munjal, Advocate,
for the petitioner.

Ms.Akanksha, AAG, Punjab,
for the State.

AMIT RAWAL, J. (Oral)

This order of mine shall dispose of two Civil Revision Petitions bearing No.3931 and 3998 of 2016 as the same have been filed against the order dated 11.8.2014 rendered by the Executing Court, whereby the applications for execution of the award dated 17.12.2007, have been dismissed.

Mr.C.M.Munjal, learned counsel for the petitioner-decree holders submits that in pursuance to the award of Collector, the matter was

referred to the Reference Court and as per judgment dated 17.12.2007, following relief was granted:-

“18. In view of my findings on issues No.1 to 4 above, all the petitions are accepted and the petitioners are held entitled to enhanced compensation at the rate of Rs.5 lacs per acre. All the petitioners whose land has been bifurcated into two parts shall be entitled to 50% on account of solatium of the market value of the un-acquired land. The petitioners shall also be entitled to all the statutory benefits under section 23(2) 23(1) (a), 28 and 34 of the Land Acquisition Act. The respondents are directed to make the payment of the enhanced compensation within four months from today. Counsel fee is assessed at Rs.1000/- in each petition. Memo of costs be prepared. Files be consigned to the record room.”

Since the compensation was enhanced from ₹2,25,000/- but in respect of a land which was bifurcated, the landowners were held entitled to 50% on account of solatium, i.e., compensation with regard to the un-acquired land. The application for execution of the decree was filed, but the same had been rejected, though the Regular First Appeal is pending in this Court and the stay had been declined. The Executing Court misinterpreted the judgment by holding that solatium has been awarded twice and, thus, there is illegality and perversity in the impugned order.

Ms.Akanksha, learned Assistant Advocate General, Punjab representing the State submits that there is no illegality and perversity in the impugned order. If at all, the petitioners have a grievance, they have an independent remedy by seeking correction of the defective relief and, thus, urges this Court for dismissal of the revision petitions.

I have heard the learned counsel for the parties, appraised the paper book and of the view that the remedy, if any, for the petitioners was to

seek correction of the judgment dated 17.12.2007.

The aforementioned findings leave no manner of doubt that instead of expression “solatium”, the word should have been “severance”. In this backdrop of the matter, the Executing Court in the impugned order has formed an opinion that the landowners had been granted the benefit of solatium. The appropriate remedy for the landowners is to seek the correction in the award with regard to the grant of solatium which has erroneously been granted instead of severance. In case such an application is moved, the observations rendered by the Executing Court in the impugned order would not come in their way.

With the aforementioned observations, the revision petitions stand disposed of.

January 24, 2018
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No