

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.4774 of 2014

Date of Decision: February 09, 2018

Ravinder Singh

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Atul Gaur, Advocate for
Mr.Sumeet Goel, Advocate,
for the petitioner.

Mr.M.K.Sangwan, Advocate,
for respondent Nos.1 & 2.

Mr.Prateek Mahajan, Advocate,
for respondent No.3.

AMIT RAWAL, J. (Oral)

The present revision is directed by Ravinder Singh, legal representative of Jora Singh, who was stated to be co-owner with other co-owners, i.e., Chand Kaur, Malkhan Singh, Balwan Singh, Sitar Singh, Hardeep, Jagdeep, Jeetram, Ram Kishan, Puran, Roop Chand and Savitri against the order dated dated 24.9.2013, whereby execution petition has been dismissed.

Mr.Atul Gaur Advocate for Mr.Sumeet Goel, learned counsel for the petitioner submits that Jora Singh, due to the old age, could not seek the reference for enhancement of the compensation against the award of the Collector dated 20.1.2004, whereas the other co-owners filed the same and amount of compensation was enhanced vide award dated

29.9.2009. Claiming the same benefit on pro rata basis, the petitioner filed the execution application, but the same was dismissed on the premise that remedy under Section 18 of the erstwhile Land Acquisition Act, 1894 had not been taken. In support of his contention, he has relied upon the judgment rendered by the single bench of this Court in **Patiala Improvement Trust thru.its Chairman Versus S.Amar Singh & others,** 2005 (2) LACC 126 based upon the findings of the Hon'ble Supreme Court in **A.Viswanatha Pillai Versus The Special Tehsildar,** 1991 LACC 551 SC.

Per contra, Mr.Prateek Mahajan, learned counsel appearing on behalf of respondent No.3-HSIDC submits that in identical situation, some similarly situated persons approached this Court against the order dismissing the execution application, but the matter has been remanded back enabling the parties to establish factum of co-ownership. Reference has been made to the order dated 29.8.2013 passed in Civil Revision No.604 of 2006 and 21.7.2015 rendered in Civil Revision No.2479 of 2014. This fact has not been controverted by Mr.Atul Gaur, learned counsel for the petitioner.

I have heard the learned counsel for the parties and appraised the paper book.

Since the petitioner is staking the claim being a co-sharer with the other co-sharers, who had already got compensation in terms of the award rendered by the Reference Court, it would be in the fitness of things, to remand the matter back to the Executing Court. Accordingly, the impugned order is set-aside. A direction is issued to the Executing Court to permit the petitioner to determine the following issues:-

(1) Whether the petitioner is entitled to file execution application in the capacity of a co-sharer and is also entitled to receive the enhanced compensation? OP Applicant.

(2) Whether the application for execution is not maintainable on account of father of the petitioner in the capacity of co-sharer having received compensation from Land Acquisition Collector and having not preferred a reference under Section 18 of the Land Acquisition Act? OPR JD

(Relief)

Revision petition stands disposed of.

February 09, 2018
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No