

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 4864 of 2018

Date of Decision: 10.10.2018

Harbans Singh

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Tarunveer Vashist, Advocate,
for the petitioner.

Ms. Akshita Chauhan, AAG, Punjab.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioner challenges the order of the learned executing Court (Additional District Judge, Patiala), dated 09.09.2017 (copy Annexure P-2), by which the amount of compensation to be paid by the respondent-State to the petitioner for acquisition of his land, has been ordered to be released subject to the petitioner furnishing an indemnity bond in the sum of Rs. 18,00,000/- with one surety in the like amount, in order to 'protect the better claim if any person comes at a later stage' "or the Award if modified, set aside by any superior Court."

Mr. Vashist, learned counsel for the petitioner, points to the order of this Court (co-ordinate Bench) dated 08.11.2017, passed in CR No. 7418 of 2017 (copy Annexure P-4), wherein it has been noticed that the compensation awarded to similarly situated persons whose land was acquired by the same acquisition process, had become final with the dismissal by the Supreme Court, of the SLP

filed by the State.

Consequently, it had been held in that case that the condition of furnishing indemnity and surety bonds was wholly unsustainable.

Learned counsel for the respondent-State could not refute the fact that the acquisition process as regards the land belonging to the petitioner is the same as was subject matter of CR No. 7418 of 2017, i.e. the petitioners' land was acquired by the same acquisition process and compensation awarded to the petitioner has indeed become final up-to the Supreme Court.

That being so, I see no reason whatsoever as to why the petitioner should have to furnish any indemnity or surety bonds before the amount of compensation is to be released to him.

[It is also to be noticed that if anybody with “a better claim” was to come subsequently before a Court, (which is unlikely considering that acquisition proceedings and all proceedings seeking enhancement of compensation would obviously have continued for a long time, with no such claimant coming forward), he would have his own remedies qua any recovery from the petitioner.]

Consequently, the impugned order is set aside to the extent that it directs furnishing of indemnity and surety bonds, with the amount undisputedly due to the petitioner by way of compensation for his land, to be immediately released to him.

October 10, 2018
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes